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September 28, 2012

RECEIVED

OCT 01 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

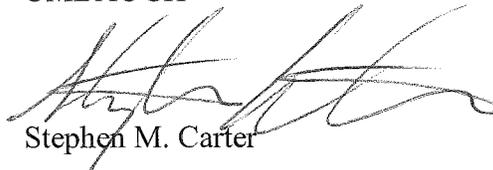
RE: Winamac (Indiana) Municipal Sewage Works- Outside User Rate Petition

Dear Mr. Gassert:

On behalf of the Town of Winamac, please find the Petition for Approval of Rate Differential Between Property Within and Property Outside the Corporate Boundaries of the Town. If at any time you have any questions or need additional information, please feel free to contact myself or Mr. John A. Kocher, Town Attorney.

Very truly yours,

UMBAUGH



Stephen M. Carter

JPR/ps

Enclosures: Petition

cc: Ms. Melanie Berger, Clerk-Treasurer
Mr. John A. Kocher, Attorney at Law
Mr. James Conner, Town Manager

RECEIVED

OCT 01 2012

INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF WINAMAC)
 FOR APPROVAL OF RATE AND CHARGE)
 DIFFERENCE BETWEEN PROPERTY) CAUSE NO. _____
 WITHIN AND PROPERTY OUTSIDE THE)
 CORPORATE BOUNDARIES OF WINAMAC)

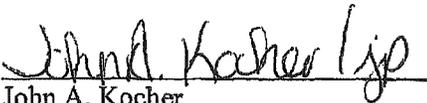
Pursuant to Indiana Code §8-1.5-3-8.3(c), Petitioner, the Town of Winamac, Indiana ("Winamac"), by counsel, respectfully petitions the Indiana Utility Regulatory Commission ("Commission") for approval of the rate and charge difference between property within and property outside the corporate boundaries of the Town of Winamac. In support of its Petition, Petitioner states:

1. The ordinance setting rates and charges for property within and property outside the municipality's corporate boundaries took effect on September 5, 1978 for the Municipal Sewage Works.
2. Attached as "Exhibit A" are copies of the ordinances establishing the outside rate differential.
3. The works that are the subject of the ordinance are (select one):
 - a. Water utility works _____
 - b. Wastewater utility works X
 - c. Both water and wastewater utility works _____
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 150%.

5. If the percentage difference in #4 above varies based upon the amount of consumption, please provide a charge illustrating the various consumption levels in 1,000 gallon increments with the corresponding surcharge and attach to this Petition. N/A

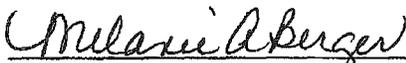
6. John A. Kocher, Attorney at Law, 115 West Main Street, Winamac, Indiana, 46996, is counsel of record for Petitioner in this matter and is duly authorized to accept service of papers in this cause on behalf of the Petitioner.

WHEREFORE, The Town of Winamac, 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 the Town of Winamac and for other just and reasonable relief.


John A. Kocher

Verification

I, Melanie Berger, Clerk-Treasurer, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed: 
Melanie Berger, Clerk-Treasurer

Date: 9-28-12

John A. Kocher
115 West Main Street
Winamac, Indiana 46996
Phone: 574-946-6360

WINAMAC (INDIANA) MUNICIPAL UTILITIES

EXHIBIT A

RESOLUTION 4 , 2011

**A RESOLUTION OF THE TOWN OF WINAMAC,
INDIANA CORRECTING A TYPOGRAPHICAL ERROR IN
THE SCHEDULE OF RATES AND CHARGES FOR THE
USE OF AND SERVICES RENDERED BY THE SEWAGE
WORKS SYSTEM OF THE TOWN**

WHEREAS, the Town of Winamac, Indiana (the "Town") has established, acquired, and financed its sewage works for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the Town; and

WHEREAS, the current rates and charges of the sewage works are set forth in and billed and collected by the Town pursuant to the provisions of its sewer rate ordinances, which rates and charges have been established and amended from time to time in accordance with and pursuant to the provisions of Indiana Code 36-9-23; and

WHEREAS, pursuant to said rate ordinances the Town has, since as early as 1971 through the date hereof, consistently charged its out-of-Town sewer users a surcharge equal to 1.5 times, or 150% of, the sewer rates and charges that are charged to in-Town sewer users; and

WHEREAS, it has recently been brought to the attention of the Town Council of the Town (the "Council") that there exists a typographical error in one of the Town's sewer rate ordinances, specifically Ordinance Number 1982-4, adopted by the Council on October 4, 1982 (the "1982 Ordinance"); and

WHEREAS, Section 2(j) of the 1982 Ordinance states that users outside the corporate limits of the Town will be billed at 1.5% of the sewer rates and charges to users within the corporate limits of the Town; and

WHEREAS, the Council has reviewed the provisions of the 1982 Ordinance and by this Resolution acknowledges that there exists a typographical error therein and that the actual sewer charges to out-of-Town users was, is and has always been intended to be 150% of the rates and charges to users within the Town; and

WHEREAS, the Council wishes to clarify the record and announce its intent that such typographical error be corrected;

NOW THEREFORE, be it resolved by the Town Council of the Town of Winamac, Indiana that:

Section 1. The 1982 Ordinance contains a typographical error in Section 2(j) thereof wherein it provides that "Charges to users outside the corporation limits of the Town will be billed at 1.5% of the rates and charges to users within the corporation limits". Said typographical error is hereby acknowledged by the Town and corrected so that such provision of the 1982

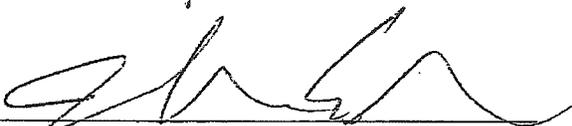
Ordinance shall read as follows "Charges to users outside the corporation limits of the Town will be billed at 150% of the rates and charges to users within the corporation limits".

Section 2. The Town hereby ratifies and confirms that under the existing schedule of sewer rates and charges of the Town, as in effect since at least 1971, sewer users located outside of the Town have been and are charged at a rate of 150% of the rates and charges to users in the corporate limits of the Town.

Section 3. Aside from acknowledging the typographical error in the 1982 Ordinance as herein corrected above, nothing in this Resolution shall be construed as altering or amending in any way the current schedule of sewer rates and charges of the Town.

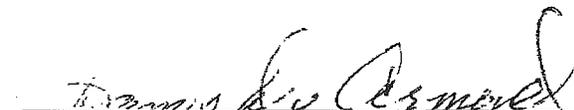
Section 4. This Resolution shall be in full force and effect from and after its passage and adoption.

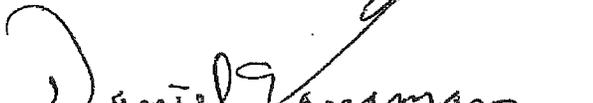
Passed and adopted by the Town Council of the Town of Winamac, Indiana, on this 11th day of April, 2011.


JOHN PLOWMAN, President

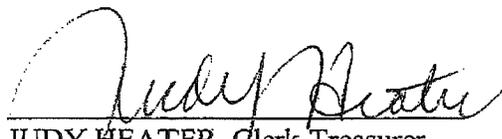

ROD BUTTON


TOM J. MURRAY


JAMES DeARMOND


DANIEL VANAMAN

ATTEST:


JUDY HEATER, Clerk-Treasurer

1882630v2

AN ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN OF WINAMAC, INDIANA, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Winamac, Indiana, has heretofore authorized the construction, maintenance and operation of works for the collection, treatment and disposal of sewage under the provisions of Public Law 309 Section 96 as added by the Acts of 1981, of the General Assembly of the State of Indiana; and

WHEREAS, said Public Law ~~309~~Section-96 of the Acts of 1981 require that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by ordinance, finally adopted after due notice and public hearing, and authorizes the collection of rates and charges;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Winamac, Indiana;

Section I. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town of Winamac's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the town of Winamac, Indiana, which rates and charges shall be payable as hereinafter provided and shall be in an amount of determinable as follows;

(a) 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:

<u>Quantity of Water Used Per Month</u>		<u>Rate Per 1,000 Gallons</u>
First	2,500 gallons	\$1.94
Next	9,500 gallons	1.57
Next	18,000 gallons	1.32
All over	30,000 gallons	1.08

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

<u>Meter Size</u>	<u>Per Month</u>
5/8"-3/4" meter	\$4.85
1" meter	8.25
1 1/4" meter	14.85
1 1/2" meter	21.80
2" meter	36.45
3" meter	74.25
4" meter	124.20
6" meter	250.00

A flat rate for residential sewage service, where the user is not a metered water user, will be Seven Dollars and Forty-Five Cents (\$7.45) per month.

(b) For the services rendered to the town of Winamac, Indiana, said Town shall be subject to the same rates and charges as hereinbefore provided, or to charges and rates established in harmony therewith.

Section 2.

(a) In cases other than residential sewage service, the quantity of water obtained from sources other than the water utility serving the town of Winamac, Indiana, and discharged into the public sanitary sewage system may be determined by the Town in such manner as the proper officers of the Town shall elect, and the sewage services may be billed at the above appropriate rates.

(b) Except in cases of residential sewage service, in the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving the Town of Winamac and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determination of the sewage discharge.

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

(d) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of ten thousand (10,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(e) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(f) In the event two or more dwelling units such as apartments or house-keeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case,

the minimum monthly billing shall be determined by multiplying the number of dwelling units served through the single meter by \$4.85. A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(g) In the case of trailer parks discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and which are users of water from the Town's waterworks, and the quantity of water is measured by a single water meter, said user shall pay not less than the number of dwelling units times the minimum monthly charge of \$4.85.

(h) Billing for sewage rates and charges shall be made monthly and such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used on or in the property or premises as the same is measured by the water meter there in use, and said metered water usage shall be determined from the meter reading of the Town's waterworks.

(i) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September the billing for sewage services for residential and/or domestic users for said months shall be based upon the water usage for the previous months of December, January, February and March, if such usage is lower than the summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(j) Charges to users outside the corporation limits of the Town will be billed at 15% of the rates and charges to users within the corporation limits.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town of Winamac shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The Town of Winamac shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the Town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Surcharge Based Upon Suspended Solids

MG/L--Milligram/Liter

Basic Rate---4.0 cents/100

MG/L Suspended Solids/1,000 gallons

for each 100 MG/L or fraction thereof of Suspended Solids in excess of 300 MG/L the additional charge shall be 4.0 cents per 1,000 gallons of flow.

Rate Surcharge Based Upon BOD

MG/L -- Milligram/Liter

BOD -- Biochemical Oxygen Demand

Basic Rate -- 5.4 cents/100 MG/L BOD/1,000 gallons

for each 100 Milligram/Liter or fraction thereof of Biochemical Oxygen Demand in excess of 300 Milligram/Liters the additional charge shall be 5.4 cents per 1,000 gallons of flow.

To determine the strength of the sewage and wastes, samples and analysis may be made from time to time whenever it is deemed desirable by the Town of Winamac. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the Town by submitted analyses of composit samples of the sewage and wastes subject to such charges, certified by a Registered Engineer or a qualified graduate chemist. The Town may then adjust the charges to the ordinance rates required by such analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted no more often than once every twelve (12) months.

The determination of Suspended Solids and Five-day Biological Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Section 4. The terms "sanitary sewage" and "Industrial Wastes" shall be defined as follows:

(a) "Sanitary sewage" is defined as the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

(b) "Industrial Wastes" are defined as being the liquid waste or liquid-born waste resulting from any commercial, manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town of Winamac, Indiana, monthly and shall be collected in the manner provided by law and ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town of Winamac, Indiana, for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

Section 6. The Town of Winamac, Indiana, shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic and efficient management of the town of Winamac's sewer system and for the construction and use of house sewers and connections to the sewer system and for the regulation, collection, rebating and refunding of rates and charges.

Section 7. The Town of Winamac, Indiana, is hereby authorized to prohibit dumping of wastes into the Town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town of Winamac, Indiana.

Section 8. The rates and charges fixed by this ordinance shall be effective for services billed beginning December, 1982, for actual services rendered prior thereto, and all ordinances in conflict herewith are repealed as of said date.

Section 9. Be it further ordained that a public hearing on such an ordinance is set for the 1st day of November, 1982, at 7:00 P. M. at the Town Hall in Winamac, Indiana, and that the notice of the adoption of this ordinance be given to the taxpayers and property owners of the Town of Winamac by publication in a newspaper published in the Town of Winamac ten (10) days prior to such hearing.

Section 10. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Winamac, Indiana, on the 4th day of October, 1982.

BOARD OF TRUSTEES OF THE TOWN
OF WINAMAC, INDIANA

David J. Knebel
John Crawford
Alvin R. Parish
John Ditt
William J. Smith

ATTEST:

Allen Boos
Allen Boos, Clerk-Treasurer of the
Town of Winamac, Indiana

Ordinance No. 1978-4

AN ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN OF WINAMAC, INDIANA, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Winamac, Indiana, has heretofore authorized the construction, maintenance and operation of works for the collection, treatment and disposal of sewage under the provisions of Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967; and

WHEREAS, said Chapter 284 of the Acts of 1967 requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by ordinance, finally adopted after due notice and public hearing, and authorizes the collection of rates and charges;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Winamac, Indiana:

Section 1. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town of Winamac's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the town of Winamac, Indiana, which rates and charges shall be payable as hereinafter provided and shall be in an amount of determinable as follows:

(a) 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:

<u>Quantity of Water Used Per Month</u>	<u>Rate Per 1,000 Gallons</u>
First 2,500 gallons	\$ 1.44
Next 9,500 gallons	1.16
Next 18,000 gallons	.98
All over 30,000 gallons	.80

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

<u>Meter Size</u>	<u>Per Month</u>
5/8" - 3/4" meter	\$3.60
1" meter	6.10
1 1/4" meter	11.00
1 1/2" meter	16.00
2" meter	27.00
3" meter	55.00
4" meter	92.00
6" meter	185.00

A flat rate for residential sewage service, where the user is not a metered water user, will be Five Dollars and Fifty Cents (\$5.50) per month.

(b) For the services rendered to the town of Winamac, Indiana, said Town shall be subject to the same rates and charges as hereinbefore provided, or to charges and rates established in harmony therewith.

Section 2.

(a) In cases other than residential sewage service, the quantity of water obtained from sources other than the water utility serving the town of Winamac, Indiana, and discharged into the public sanitary sewage system may be determined by the Town in such manner as the proper officers of the Town shall elect, and the sewage services may be billed at the above appropriate rates.

(b) Except in cases of residential sewage service, in the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving the Town of Winamac and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determination of the sewage discharge.

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

(d) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of ten thousand (10,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(e) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(f) In the event two or more dwelling units such as apartments or house-keeping rooms discharging sanitary sewage, water or other liquids into the Town's

sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, the minimum monthly billing shall be determined by multiplying the number of dwelling units served through the single meter by \$3.60. A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(g) In the case of trailer parks discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, and which are users of water from the Town's waterworks, and the quantity of water is measured by a single water meter, said user shall pay not less than the number of dwelling units times the minimum monthly charge of \$3.60.

(h) Billing for sewage rates and charges shall be made monthly and such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used on or in the property or premises as the same is measured by the water meter there in use, and said metered water usage shall be determined from the meter reading of the Town's waterworks.

(i) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September the billing for sewage services for residential and/or domestic users for said months shall be based upon the water usage for the previous months of December, January, February and March, if such usage is lower than the summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(j) Charges to users outside the corporation limits of the Town will be billed at 150% of the rates and charges to users within the corporation limits.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town of Winamac shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The Town of Winamac shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the Town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Surcharge Based Upon Suspended Solids

MG/L -- Milligram/Liter

Basic Rate -- 3.0 cents/100

MG/L. Suspended Solids /1,000 gallons

For each 100 MG/L or fraction thereof of Suspended Solids in excess of 300 MG/L the additional charge shall be 3.0 cents per 1,000 gallons of flow.

Rate Surcharge Based Upon BOD

MG/L -- Milligram/Liter

BOD -- Biochemical Oxygen Demand

Basic Rate -- 4.0 cents/100

MG/L. BOD/1,000 gallons

For each 100 Milligram/Liter or fraction thereof of Biochemical Oxygen Demand in excess of 300 Milligram/Liters the additional charge shall be 4 cents per 1,000 gallons of flow.

To determine the strength of the sewage and wastes, samples and analysis may be made from time to time whenever it is deemed desirable by the Town of Winamac. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the Town by submitted analyses of composit samples of the sewage and wastes subject to such charges, certified by a Registered Engineer or a qualified graduate chemist. The Town may then adjust the charges to the ordinance rates required by such

analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted no more often than once every twelve (12) months.

The determination of Suspended Solids and Five-day Biological Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Section 4. The terms "sanitary sewage" and "Industrial Wastes" shall be defined as follows:

(a) "Sanitary sewage" is defined as the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

(b) "Industrial Wastes" are defined as being the liquid waste or liquid-born waste resulting from any commercial, manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town of Winamac, Indiana, monthly and shall be collected in the manner provided by law and ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town of Winamac, Indiana, for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

Section 6. The Town of Winamac, Indiana shall make and enforce such

bylaws and regulations as may be deemed necessary for the safe, economic and effecient management of the town of Winamac's sewer system and for the construction and use of house sewers and connections to the sewer system and for the regulation, collection, rebating and refunding of rates and charges.

Section 7. The Town of Winamac, Indiana, is hereby authorized to prohibit dumping of wastes into the Town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town of Winamac, Indiana.

Section 8. The rates and charges fixed by this ordinance shall be effective for services billed beginning DECEMBER, 1978 for actual services rendered prior thereto, and all ordinances in conflict herewith are repealed as of said date.

Section 9. Be it further ordained that a public hearing on such an ordinance is set for the 6 day of November, 1978 at 7:30 P.M. at the Town Hall in Winamac, Indiana, and that the notice of the adoption of this ordinance be given to the taxpayers and property owners of the Town of Winamac by publication in a newspaper published in the Town of Winamac ten (10) days prior to such hearing.

Section 10. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Winamac, Indiana on the 5 day of September 1978.

Robert Bellas

Eugene Eudy

Wanda J. Hill

BOARD OF TRUSTEES OF THE TOWN OF WINAMAC, INDIANA

ATTEST:

Allen Boos
 Allen Boos, Clerk-Treasurer of the Town of Winamac, Indiana

ORDINANCE NO. 6-2010

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING ORDINANCE NO. 4-2007, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town Council has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized the construction of improvements pursuant to an approved Long-Term Control Plan, and

WHEREAS, the Town may sell revenue bonds to fund that portion of the cost not covered by funds on hand, and

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency, and to pay the principal on current and proposed revenue bonds in accordance with the applicable bond ordinances; now therefore

BE IT ORDAINED BY THE Town Council of the Town of Winamac, Indiana;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Winamac, Indiana, or any duly authorized officials acting on its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (c) "Town" shall mean the Town of Winamac, Indiana, acting by and through the Town Council.
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all current and proposed revenue bonds or other long-term capital debt.
- (e) "Excessive Strength Surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business process as distinct from employee wastes or wastes from sanitary convenience.
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.

- (h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l
S.S. not more than 200 mg/l
Phosphorus not more than 200 mg/l
Ammonia not more than 20 mg/l

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

- (i) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (j) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than user Charges, debt service charges and excessive strength surcharges.
- (k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (l) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (m) "S.S." (or suspended solids) shall have the same meaning as defined in the Use Ordinance.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (q) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (r) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:

Class I - Residential
- Commercial
- Governmental
- Institutional
- Industrial

Section 3. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town of Winamac. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

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

All Users

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

	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
	\$ 5.65	\$ 3.19	\$ 8.84
plus			

- 2) Base Rate - per month, as follows:

<u>Base Rate</u>	<u>Monthly Base Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
5/8 - 3/4" inch water meter	\$ 6.35	\$ 10.00	\$ 16.35
1 inch water meter	9.85	25.00	34.85
1 1/4 inch water meter	13.46	40.09	53.55
1 1/2 inch water meter	17.65	58.05	75.70
2 inch water meter	27.53	100.12	127.65
3 inch water meter	58.18	230.32	288.50
4 inch water meter	100.56	410.59	511.15
6 inch water meter	220.78	921.32	1,142.10

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

	<u>Monthly Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Residential: Single Family residence/unit	\$ 31.81	\$ 24.29	\$ 56.10

Unmetered "Non-Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (c) For the service rendered to the Town of Winamac, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but no less than \$30.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section. The Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

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

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or building served through the single water meter.
- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, and billing for service is rendered in a single monthly bill, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rate per month of \$16.35. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (e) In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of June, July, August and September, the billing for sewage service for residents and/or domestic users for said months of June, July, August and September shall be based on the water usage for the previous months of December, January, February and March. In the event the water usage for said previous months of December, January, February and March is greater than the water usage for said months of June, July, August and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service, as applicable to the sprinkling rate, shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such case, the water usage as registered by the water meter serving

such portion of the premises used for residential purposes would qualify under the sprinkling rate.

- (f) In the event a lot, parcel or real estate or building discharge sanitary sewage, industrial waste, water or other liquids to the Town's sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (g) Where a metered water supply is used for fire protection as well as for other users, the Town may, at its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may reflect the costs of providing service rendered to users, the Town shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the Town may deem practicable in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (1) Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of 32 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.
 - (2) Rate Surcharge Based Upon BOD. There shall be an additional charge of 32 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.
- (b) The determination of Suspended Solids, five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 6. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the previous year.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (c) As in provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses for user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the first goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluent from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements of the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionally among the user classes of the rate and charges for sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm or certified public accountants, or firm consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances.

Section 8. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

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

Section 9. The invalidity of any section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts.

Section 10. The Council is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

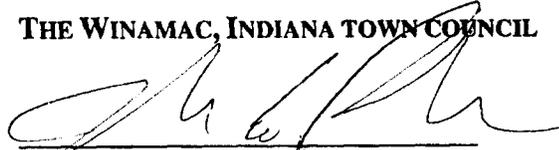
Section 11. That the rules and regulations promulgated by the Town, after approval of the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system of the Town Council and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the circuit court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 12. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage after public hearing.

Passed and adopted by the Town Council of the Town of Winamac, Indiana, on the 14th day of October, 2010.

THE WINAMAC, INDIANA TOWN COUNCIL



President



Member



Member



Member



Member

ATTEST:



Judy Heater, Clerk-Treasurer

AN ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN OF WINAMAC, INDIANA, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Winamac, Indiana, has heretofore authorized the construction, maintenance and operation of works for the collection, treatment and disposal of sewage under the provisions of Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967; and

WHEREAS, said Chapter 284 of the Acts of 1967 requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by ordinance, finally adopted after due notice and public hearing, and authorizes the collection of rates and charges;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Winamac, Indiana:

Section 1. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town of Winamac's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the town of Winamac, Indiana, which rates and charges shall be payable as hereinafter provided and shall be in an amount of determinable as follows:

(a) 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:

<u>Quantity of Water Used Per Month</u>	<u>Rate Per 1,000 Gallons</u>
First 2,500 gallons	\$ 1.44
Next 9,500 gallons	1.16
Next 18,000 gallons	.98
All over 30,000 gallons	.80

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

<u>Meter Size</u>	<u>Per Month</u>
5/8" - 3/4" meter	\$3.60
1" meter	6.10
1 1/4" meter	11.00
1 1/2" meter	16.00
2" meter	27.00
3" meter	55.00
4" meter	92.00
6" meter	185.00

A flat rate for residential sewage service, where the user is not a metered water user, will be Five Dollars and Fifty Cents (\$5.50) per month.

(b) For the services rendered to the town of Winamac, Indiana, said Town shall be subject to the same rates and charges as hereinbefore provided, or to charges and rates established in harmony therewith.

Section 2.

(a) In cases other than residential sewage service, the quantity of water obtained from sources other than the water utility serving the town of Winamac, Indiana, and discharged into the public sanitary sewage system may be determined by the Town in such manner as the proper officers of the Town shall elect, and the sewage services may be billed at the above appropriate rates.

(b) Except in cases of residential sewage service, in the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving the Town of Winamac and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determination of the sewage discharge.

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

(d) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of ten thousand (10,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(e) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(f) In the event two or more dwelling units such as apartments or house-keeping rooms discharging sanitary sewage, water or other liquids into the Town's

sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, the minimum monthly billing shall be determined by multiplying the number of dwelling units served through the single meter by \$3.60. A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(g) In the case of trailer parks discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, and which are users of water from the Town's waterworks, and the quantity of water is measured by a single water meter, said user shall pay not less than the number of dwelling units times the minimum monthly charge of \$3.60.

(h) Billing for sewage rates and charges shall be made monthly and such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used on or in the property or premises as the same is measured by the water meter there in use, and said metered water usage shall be determined from the meter reading of the Town's waterworks.

(i) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September the billing for sewage services for residential and/or domestic users for said months shall be based upon the water usage for the previous months of December, January, February and March, if such usage is lower than the summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(j) Charges to users outside the corporation limits of the Town will be billed at 150% of the rates and charges to users within the corporation limits.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town of Winamac shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The Town of Winamac shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the Town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Surcharge Based Upon Suspended Solids

MG/L -- Milligram/Liter

Basic Rate -- 3.0 cents/100

MG/L Suspended Solids/1,000 gallons

For each 100 MG/L or fraction thereof of Suspended Solids in excess of 300 MG/L the additional charge shall be 3.0 cents per 1,000 gallons of flow.

Rate Surcharge Based Upon BOD

MG/L -- Milligram/Liter

BOD -- Biochemical Oxygen Demand

Basic Rate -- 4.0 cents/100

MG/L BOD/1,000 gallons

For each 100 Milligram/Liter or fraction thereof of Biochemical Oxygen Demand in excess of 300 Milligram/Liters the additional charge shall be 4 cents per 1,000 gallons of flow.

To determine the strength of the sewage and wastes, samples and analysis may be made from time to time whenever it is deemed desirable by the Town of Winamac. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the Town by submitted analyses of composite samples of the sewage and wastes subject to such charges, certified by a Registered Engineer or a qualified graduate chemist. The Town may then adjust the charges to the ordinance rates required by such

analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted no more often than once every twelve (12) months.

The determination of Suspended Solids and Five-day Biological Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Section 4. The terms "sanitary sewage" and "Industrial Wastes" shall be defined as follows:

(a) "Sanitary sewage" is defined as the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

(b) "Industrial Wastes" are defined as being the liquid waste or liquid-born waste resulting from any commercial, manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town of Winamac, Indiana, monthly and shall be collected in the manner provided by law and ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town of Winamac, Indiana, for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

Section 6. The Town of Winamac, Indiana shall make and enforce such

bylaws and regulations as may be deemed necessary for the safe, economic and effecient management of the town of Winamac's sewer system and for the construction and use of house sewers and connections to the sewer system and for the regulation, collection, rebating and refunding of rates and charges.

Section 7. The Town of Winamac, Indiana, is hereby authorized to prohibit dumping of wastes into the Town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town of Winamac, Indiana.

Section 8. The rates and charges fixed by this ordinance shall be effective for services billed beginning DECEMBER, 1978 for actual services rendered prior thereto, and all ordinances in conflict herewith are repealed as of said date.

Section 9. Be it further ordained that a public hearing on such an ordinance is set for the 6 day of November, 1978 at 7:30 P.M. at the Town Hall in Winamac, Indiana, and that the notice of the adoption of this ordinance be given to the taxpayers and property owners of the Town of Winamac by publication in a newspaper published in the Town of Winamac ten (10) days prior to such hearing.

Section 10. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Winamac, Indiana on the 5 day of September 1978.

Robert G. Boos

Eugene Eudy

Linda G. [unclear]

BOARD OF TRUSTEES OF THE TOWN OF WINAMAC, INDIANA

A TTEST:

Allen Boos
 Allen Boos, Clerk-Treasurer of the Town of Winamac, Indiana

ORDINANCE NO. 3

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING ORDINANCE NO. 4, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town Council has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized the construction of improvements pursuant to an approved Long-Term Control Plan, and

WHEREAS, the Town may sell revenue bonds to fund that portion of the cost not covered by funds on hand, and

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency, and to pay the principal on current and proposed revenue bonds in accordance with the applicable bond ordinances; now therefore

BE IT ORDAINED BY THE Town Council of the Town of Winamac, Indiana;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Winamac, Indiana, or any duly authorized officials acting on its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (c) "Town" shall mean the Town of Winamac, Indiana, acting by and through the Town Council.
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all current and proposed revenue bonds or other long-term capital debt.
- (e) "Excessive Strength Surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business process as distinct from employee wastes or wastes from sanitary convenience.
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.

- (h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l
S.S. not more than 200 mg/l
Phosphorus not more than 200 mg/l
Ammonia not more than 20 mg/l

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

- (i) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (j) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than user Charges, debt service charges and excessive strength surcharges.
- (k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (l) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (m) "S.S." (or suspended solids) shall have the same meaning as defined in the Use Ordinance.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (q) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (r) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:

- Class I - Residential
 - Commercial
 - Governmental
 - Institutional
 - Industrial

Section 3. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town of Winamac. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

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

All Users

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

<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
\$ 5.65	\$ 3.19	\$ 8.84

plus

- 2) Base Rate - per month, as follows:

<u>Base Rate</u>	<u>Monthly Base Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
5/8 - 3/4" inch water meter	\$ 6.35	\$ 10.00	\$ 16.35
1 inch water meter	9.85	25.00	34.85
1 1/4 inch water meter	13.46	40.09	53.55
1 1/2 inch water meter	17.65	58.05	75.70
2 inch water meter	27.53	100.12	127.65
3 inch water meter	58.18	230.32	288.50
4 inch water meter	100.56	410.59	511.15
6 inch water meter	220.78	921.32	1,142.10

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

	<u>Monthly Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Residential: Single Family residence/unit	\$ 31.81	\$ 24.29	\$ 56.10

Unmetered "Non-Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (c) For the service rendered to the Town of Winamac, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but no less than \$30.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section. The Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

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

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or building served through the single water meter.
- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, and billing for service is rendered in a single monthly bill, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rate per month of \$16.35. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (e) In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of June, July, August and September, the billing for sewage service for residents and/or domestic users for said months of June, July, August and September shall be based on the water usage for the previous months of December, January, February and March. In the event the water usage for said previous months of December, January, February and March is greater than the water usage for said months of June, July, August and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service, as applicable to the sprinkling rate, shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such case, the water usage as registered by the water meter serving

such portion of the premises used for residential purposes would qualify under the sprinkling rate.

- (f) In the event a lot, parcel or real estate or building discharge sanitary sewage, industrial waste, water or other liquids to the Town's sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (g) Where a metered water supply is used for fire protection as well as for other users, the Town may, at its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may reflect the costs of providing service rendered to users, the Town shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the Town may deem practicable in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (1) Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of 32 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.
 - (2) Rate Surcharge Based Upon BOD. There shall be an additional charge of 32 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.
- (b) The determination of Suspended Solids, five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 6. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the previous year.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (c) As in provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses for user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the first goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluent from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements of the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionally among the user classes of the rate and charges for sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm or certified public accountants, or firm consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances.

Section 8. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

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

Section 9. The invalidity of any section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts.

Section 10. The Council is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

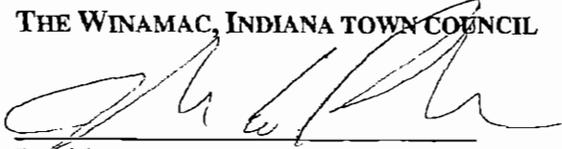
Section 11. That the rules and regulations promulgated by the Town, after approval of the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system of the Town Council and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the circuit court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 12. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this Ordinance.

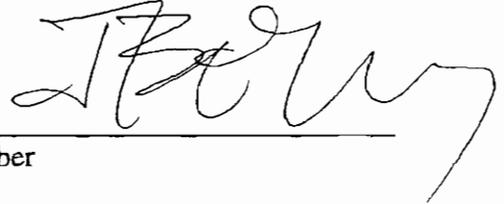
This Ordinance shall be in full force and effect from and after its passage after public hearing.

Passed and adopted by the Town Council of the Town of Winamac, Indiana, on the 14th day of October, 2010.

THE WINAMAC, INDIANA TOWN COUNCIL



President



Member



Member

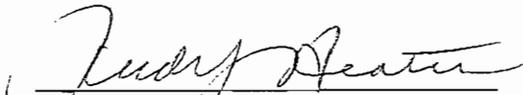


Member



Member

ATTEST:


Judy Heater, Clerk-Treasurer

AN ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN OF WINAMAC, INDIANA, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Winamac, Indiana, has heretofore authorized the construction, maintenance and operation of works for the collection, treatment and disposal of sewage under the provisions of Public Law 309 Section 96 as added by the Acts of 1981, of the General Assembly of the State of Indiana; and

WHEREAS, said Public Law 309 Section 96 of the Acts of 1981 require that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by ordinance, finally adopted after due notice and public hearing, and authorizes the collection of rates and charges;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Winamac, Indiana;

Section I. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town of Winamac's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the town of Winamac, Indiana, which rates and charges shall be payable as hereinafter provided and shall be in an amount of determinable as follows:

(a) 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:

<u>Quantity of Water Used Per Month</u>		<u>Rate Per 1,000 Gallons</u>
First	2,500 gallons	\$1.94
Next	9,500 gallons	1.57
Next	18,000 gallons	1.32
All over	30,000 gallons	1.08

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

<u>Meter Size</u>	<u>Per Month</u>
5/8"-3/4" meter	34.85
1" meter	8.25
1 1/4" meter	14.85
1 1/2" meter	21.80
2" meter	36.45
3" meter	74.25
4" meter	124.20
6" meter	250.00

A flat rate for residential sewage service, where the user is not a metered water user, will be Seven Dollars and Forty-Five Cents (\$7.45) per month.

(b) For the services rendered to the town of Winamac, Indiana, said Town shall be subject to the same rates and charges as hereinbefore provided, or to charges and rates established in harmony therewith.

Section 2.

(a) In cases other than residential sewage service, the quantity of water obtained from sources other than the water utility serving the town of Winamac, Indiana, and discharged into the public sanitary sewage system may be determined by the Town in such manner as the proper officers of the Town shall elect, and the sewage services may be billed at the above appropriate rates.

(b) Except in cases of residential sewage service, in the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving the Town of Winamac and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determination of the sewage discharge.

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

(d) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of ten thousand (10,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(e) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(f) In the event two or more dwelling units such as apartments or house-keeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case,

the minimum monthly billing shall be determined by multiplying the number of dwelling units served through the single meter by \$4.85. A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(g) In the case of trailer parks discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and which are users of water from the Town's waterworks, and the quantity of water is measured by a single water meter, said user shall pay not less than the number of dwelling units times the minimum monthly charge of \$4.85.

(h) Billing for sewage rates and charges shall be made monthly and such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used on or in the property or premises as the same is measured by the water meter there in use, and said metered water usage shall be determined from the meter reading of the Town's waterworks.

(i) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September the billing for sewage services for residential and/or domestic users for said months shall be based upon the water usage for the previous months of December, January, February and March, if such usage is lower than the summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(j) Charges to users outside the corporation limits of the Town will be billed at 15% of the rates and charges to users within the corporation limits.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town of Winamac shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes which it is required to treat and dispose of. The Town of Winamac shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the Town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Surcharge Based Upon Suspended Solids

MG/L -- Milligram/Liter

Basic Rate --- 4.0 cents/100

MG/L Suspended Solids/1,000 gallons

for each 100 MG/L or fraction thereof of Suspended Solids in excess of 300 MG/L the additional charge shall be 4.0 cents per 1,000 gallons of flow.

Rate Surcharge Based Upon BOD

MG/L -- Milligram/Liter

BOD -- Blochemical Oxygen Demand

Basic Rate -- 5.4 cents/100

MG/L BOD/1,000 gallons

for each 100 Milligram/Liter or fraction thereof of Blochemical Oxygen Demand in excess of 300 Milligram/Liters the additional charge shall be 5.4 cents per 1,000 gallons of flow.

To determine the strength of the sewage and wastes, samples and analysis may be made from time to time whenever it is deemed desirable by the Town of Winamac. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the Town by submitted analyses of composit samples of the sewage and wastes subject to such charges, certified by a Registered Engineer or a qualified graduate chemist. The Town may then adjust the charges to the ordinance rates required by such analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted no more often than once every twelve (12) months.

The determination of Suspended Solids and Five-day Biological Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Section 4. The terms "sanitary sewage" and "Industrial Wastes" shall be defined as follows:

(a) "Sanitary sewage" is defined as the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

(b) "Industrial Wastes" are defined as being the liquid waste or liquid-born waste resulting from any commercial, manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town of Winamac, Indiana, monthly and shall be collected in the manner provided by law and ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town of Winamac, Indiana, for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

Section 6. The Town of Winamac, Indiana, shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic and efficient management of the town of Winamac's sewer system and for the construction and use of house sewers and connections to the sewer system and for the regulation, collection, rebating and refunding of rates and charges.

Section 7. The Town of Winamac, Indiana, is hereby authorized to prohibit dumping of wastes into the Town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town of Winamac, Indiana.

Section 8. The rates and charges fixed by this ordinance shall be effective for services billed beginning December, 1982, for actual services rendered prior thereto, and all ordinances in conflict herewith are repealed as of said date.

Section 9. Be it further ordained that a public hearing on such an ordinance is set for the 1st day of November, 1982, at 7:00 P. M. at the Town Hall in Winamac, Indiana, and that the notice of the adoption of this ordinance be given to the taxpayers and property owners of the Town of Winamac by publication in a newspaper published in the Town of Winamac ten (10) days prior to such hearing.

Section 10. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Winamac, Indiana, on the 4th day of October, 1982.

BOARD OF TRUSTEES OF THE TOWN
OF WINAMAC, INDIANA

Donald G. Rebel
John Crawford
Alvin R. Parish
John Ditt
William J. ...

ATTEST:

Allen Boos
Allen Boos, Clerk-Treasurer of the
Town of Winamac, Indiana

ORDINANCE NO. 5-9-85

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE TOWN OF WINAMAC, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING ORDINANCE 1982-4, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized the construction of improvements thereto financed in part by grants from the U.S. Environmental Protection Agency and the State of Indiana; and

WHEREAS, the Town will sell revenue bonds to fund that portion of the cost not covered by grants, and

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by ordinances of the Town has revealed that the schedule creates inequities between the classes of users, and fails to meet the guidelines set by the U.S. Environmental Protection Agency for recipients of federal grants, and

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency, and to pay the principal and interest on proposed revenue bonds in accordance with the applicable bond ordinance; now therefore

BE IT ORDAINED BY THE Board of Trustees of the Town of Winamac, Indiana;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Board" shall mean the Board of Trustees of the Town of Winamac, Indiana, or any duly authorized officials acting in its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same as defined in the Use Ordinance.
- (c) "Town" shall mean the Town of Winamac, Indiana, acting by and through the Board of Trustees.
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.
- (e) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary convenience.
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l
S.S. not more than 200 mg/l

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

- (i) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (j) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges
- (k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (l) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (m) "S.S" (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.

- (p) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (q) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500.
- (r) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town discharges primarily segregated domestic waste or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the average works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:

- Class I - Residential
 - Commercial
 - Governmental
 - Institutional
 - Industrial

Section 3. For the use of and the services rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewer system of the Town of Winamac. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as

hereinafter provided and shall be in an amount determinable as follows:

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

All Users

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

<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
\$1.51	\$.64	\$2.15

plus

- 2) Base rate - as follows:

<u>Monthly Base Rate</u>		<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
<u>Base Rate</u>				
5/8 - 3/4	inch water meter	\$ 1.45	\$ 2.50	\$ 3.95
1	inch water meter	2.16	6.34	8.50
1 1/4	inch water meter	2.86	10.14	13.00
1 1/2	inch water meter	3.71	14.79	18.50
2	inch water meter	5.68	25.32	31.00
3	inch water meter	11.79	58.21	70.00
4	inch water meter	20.25	102.75	123.00
6	inch water meter	44.22	230.78	275.00

- (b) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge

shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

	<u>Monthly Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Residential:			
Single family residence/unit	\$ 8.25	\$ 5.40	\$13.65

Unmetered non "Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (c) For the service rendered to the Town of Winamac said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but not less than \$25 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

- (a) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town and the water used thereon or therein is not measured by a water meter, or if measured by a water meter not acceptable to the Town then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge.
- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or their liquids into the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water

is measured by a single water meter, and billing for service is rendered to the individual lots, parcels of real estate, buildings or dwelling units, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, and billing for service is rendered in a single monthly bill, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rate per month of \$3.95. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

- (e) In order that single family domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September, the billing for sewage services for residents and/or domestic users for said months of June, July, August and September shall be based upon the average water usage for the previous months of December, January, February and March. In the event the water usage for said previous months of December, January, February and March is greater than the water usage for said months of June, July, August and September, then the

billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage services as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

- (f) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

- (g) Where a metered water supply is used for fire protection as well as for other users, the Town may, at its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the Sewer Use Ordinance, available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of 20 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of 20 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

- (b) The determination of Suspended Solids and five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes:", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 6. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the previous year.

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

- (c) As in provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses of user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the first goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive

strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionally among the user classes of the rates and charges for sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm or certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances.

Section 8. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

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

Section 9. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

Section 10. The Board is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

Section 11. That the rules and regulations promulgated by the Town, after approved by the Board of Trustees shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Trustees and that any decision concerning the sewage system or user charges of the Board of Trustees may be appealed to the circuit court of the county under the appeal procedures provided for in the Indian Administrative Adjudication Act.

Section 12. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance.

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

Passed and adopted by the Board of Trustees of the Town of Winamac, Indiana, on the 23 day of September, 1985.

R. Mark Davis
Trustee

Gregory A. Hall
Trustee

Alvin R. Parisk
Trustee

Courtney K. Poor

James J. Deulan

ATTEST:

A. H. Bas
Clerk-Treasurer

ORDINANCE NO. 6-9-85

An Ordinance 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 of the Town of Winamac, Indiana, and providing penalties for violations thereof.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WINAMAC, INDIANA:

Section 1. Unless the context specifically indicates otherwise the meaning of terms used in this Ordinance shall be as follows:

(a) "Biochemical Oxygen Demand" (or BOD) shall mean the quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five (5) days at 20 degrees C.

(b) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Building drain - Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building drain - Storm - A building drain which conveys stormwater or other clearwater drainage, but no wastewater.

(c) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

Building sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.

Building sewer - Storm - A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.

(d) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

(e) "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (a) chemical oxygen demand,
- (b) total organic carbon,
- (c) phosphorus and phosphorus compounds,
- (d) nitrogen and nitrogen compounds, and
- (e) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works)

(f) "Easement" shall mean an acquired legal right for the specific use of land owned by others.

(g) "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

(h) "Floatable oil" shall mean, oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.

(i) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(j) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

(k) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.

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

(m) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

(n) "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

(o) "Inspector" shall mean the person or persons duly authorized by the Town, through its Board of Trustees, to inspect and approve the installation of building sewers and their connection to the public sewer systems.

(p) "Major contributing industry" shall mean an industry that:

- (1) has a flow of 50,000 gallons or more per average work day;
- (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
- (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) or PL 92-500; or
- (4) has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from the treatment works.

(q) "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

(r) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(s) "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.

(t) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

(u) "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity.

(v) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

(w) "Private sewer" shall mean a sewer which is not owned by a public authority.

(x) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

(y) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(q) "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

(r) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(s) "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.

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(x) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

(y) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force main shall mean a pipe in which wastewater is carried under pressure.

Pumping Station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

(z) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.

(aa) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The three most common types of sewage are:

Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined sewage shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

(bb) "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

(cc) "Sewer" shall mean a pipe or conduit for carrying sewage.

(dd) "Shall" is mandatory; "May" is permissive.

(ee) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during the normal operation and shall adversely affect the collection system.

(ff) "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.

(gg) "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

(hh) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Winamac, Indiana, or his authorized deputy, agent or representative.

(ii) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.

(jj) "Total solids" shall mean the sum of suspended and dissolved solids.

(kk) "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.

(ll) "Unpolluted water" is water of quantity equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(mm) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.

(nn) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 2.

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

(b) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities.

(c) Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town.

(d) No new connection shall be made to any sanitary combined or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

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

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

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

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

Section 3.

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 2 (h), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the Town at the time the application is filed.

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

(d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal

system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 3 (d), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

(g) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

Section 4.

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

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

- (1) for residential and commercial service, and
- (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other

information considered pertinent in the judgment of the Inspector. A permit and inspection fees of Fifty Dollars (\$50.00) for a residential or commercial building sewer permit and One Hundred Dollars (\$100.00) for an industrial building sewer permit shall be paid to the Clerk Treasurer at the time the application is filed.

(c) 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 from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

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

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

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

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations.

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

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

Section 5.

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

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

- (3) Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(b) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees C.
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or zero and sixty-five (0 and 65) degrees C.

- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (8) Any waters or wastes having pH in excess of 9.5.
- (9) Materials which exert or cause:
 - (i) Unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

- (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(c) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 5 (a) of this article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Require new industries (or other large users) or industries (or other large users) with significant increase in discharges to submit information on wastewater quantities characteristics and obtain prior approval for discharges.

- (2) Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
- (3) Require pretreatment of such wastes to within the limits of normal sewage as defined.
- (4) Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
- (5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

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

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

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

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

(g) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.

Section 6. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition, to any more stringent requirements established by the Town and any subsequent State or Federal Guidelines and Rules and Regulations.

Section 7. Plans, specifications, and any other pertinent information relating to the pretreatment or control facilities shall be submitted for approval of the Town and no construction of such

facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the Town to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.

Section 8. Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana. Where a storm sewer, combined, sewer, or natural outlet is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town.

Section 9. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above section.

Section 10. The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town.

Section 11. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Town.

Section 12. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all time.

Section 13. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

Section 14. All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal Requirements now, or projected to be in effect.

Section 15. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge or disorderly conduct.

Section 16.

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

(b) While performing the necessary work on private properties referred to in Section 16 (a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5 (e).

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

Section 17.

(a) Any persons found to be violating Section 2 (b), Section 2 (c) and Section 4 (h) of this ordinance, shall be subject to a penalty not to exceed Fifty Dollars (\$50.00) per month, per billing account. This surcharge shall be imposed beginning the month immediately following passage and adoption of this ordinance by the Board of Trustees.

(b) There shall be a moratorium upon the requirement for payment of the penalty by the persons for a period of six (6) months from the time of inactment of this ordinance as set forth in Section 17 (a) above. Further, any person who has, pursuant to Section 17 (c) below, consented to the inspection of their respective premises within ninety (90) days of the date of adoption of this ordinance, shall not be liable for payment until such inspection has been accomplished and the person given the opportunity to bring said premises into compliance within the time frame set out in Section 17 (c).

(c) A person may avoid liability for payment of the surcharge established in Section 17 (a) above upon a showing that he is in compliance with all provisions of Sections 4 (h), 2 (b), and 2 (c) of this ordinance, which showing shall consist of the following procedures and conditions as to each building or appurtenance connected to the sanitary sewer.

- (1) Each such person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "Grant of Permission" to the Town of Winamac, to come upon the property and within the premises thereon, of such persons to inspect and/or perform sewer tests as may be deemed necessary by the Town to verify the compliance hereinbefore referred to;
- (2) The Grant of Permission set forth in Section 17 (c) shall be deemed to include periodic inspections and/or tests as may be determined to be necessary by the Town of Winamac to maintain, insure and monitor compliance with the provisions of Section § (h), 2 (b), and 2 (c) of this ordinance;
- (3) The term "Town of Winamac" as used herein, shall mean and include such employees, or designees of the Town of Winamac, Indiana, as it shall, from time to time utilize in making the inspections and/or tests heretofore referred to. Such persons shall have on their persons, identification to verify that they in fact represent said Town for said purposes.
- (4) The inspection shall be made upon reasonable notice of at least forty-eight (48) hours. There shall be no fee charged for said inspection.
- (5) If, upon the initial inspection contemplated by Section 17 (b) above to verify compliance, a person is in fact not found to be in compliance, said person shall be given fourteen (14)

days from the date of said inspection to so comply.

(d) In the event, a person if found to be in compliance as heretofore set forth, and, upon subsequent inspection is found not to be in compliance, said person shall be liable for payment of an amount equal to the sum of the months since adoption of this ordinance, multiplied by the monthly penalty in effect during such period as the case may be; provided that, such liability shall be reduced to fifty percentum (50%) of said amount if said person complies within a period of ten (10) days after notice by the Town of Winamac of his non-compliance a second or subsequent time, then said person shall be liable for a sum equal to Fifty Dollars (\$50.00) plus an amount equal to the sum of the months since adoption of this Ordinance multiplied by the monthly penalty in effect during such period as the case may be.

(e) The Board of Trustees has determined that the measures heretofore set out are a reasonable means of insuring compliance with Sections 4 (h), 2 (b) and 2 (c) of this ordinance and are further necessary to protect and insure the health, safety and welfare of the Citizens of Winamac, Indiana, and surrounding areas.

Section 18.

(a) Any person found to be violating any provision of this ordinance except provisions covered under Section 17 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in Section 18 (a) shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

Section 19. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 20. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the Board of Trustees of the Town of Winamac, on the 23 day of September, 1985.

R. Max Dan
Board Member

Gregory K. Robell
Board Member

Clvin R. Parisil
Board Member

Courtney K. Poor
Board Member

James J. Deulan
Board Member

ATTEST:

A. L. Bess
Clerk-Treasurer

10-2: SEWER

10-2-1: DEFINITIONS

- A. BOARD - shall mean the Board of Trustees of the Town of Winamac, Indiana, or any duly authorized officials acting in its behalf.
- B. BOD - (or Biochemical Oxygen Demand) shall have the same as defined in the Use Ordinance.
- C. BUILDING DRAIN - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Building Drain - Sanitary -- A building drain which conveys sanitary or industrial sewage only.

Building Drain - Storm -- A building drain which conveys stormwater (Inflow) or other clearwater drainage, but no wastewater.

- D. BUILDING SEWER - shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

Building Sewer - Sanitary -- A building sewer which conveys sanitary or industrial sewage only.

Building Sewer - Storm -- A building sewer which conveys stormwater (Inflow) or other clearwater drainage, but no sanitary or industrial sewage.

- E. CLEARWATER DISCHARGE - shall mean uncontaminated cooling water.
- F. COMBINED SEWER - shall mean a sewer intended to receive both wastewater and storm or surface water
- G. COMPATIBLE POLLUTANT - Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works as designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (1) Chemical oxygen demand
- (2) Total organic carbon
- (3) Phosphorus and phosphorus compounds
- (4) Nitrogen and nitrogen compounds, and fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

- H. DEBT SERVICE COSTS - The average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.
- I. EASEMENT - An acquired legal right for the specific use of land owned by others.
- J. EXCESSIVE STRENGTH SURCHARGE - An additional charge which is billed to users for treating sewage wastes with an average strength in excess of normal domestic sewage.
- K. FECAL COLIFORM - Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- L. FLOATABLE OIL - Oil, fat, or grease in physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
- M. GARBAGE - Solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- N. INCOMPATIBLE POLLUTANT - Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
- O. INDUSTRIAL WASTES - The liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.
- P. INFILTRATION - The water entering a sewer system, including building drains and sewers, foundation drains from the ground, through, such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.
- Q. INFILTRATION/INFLOW - The total quantity of water from both infiltration and inflow without distinguishing the source.
- R. INFLOW - The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limiting to roof leaders, celler, yard and area drains, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)
- S. INSPECTOR - The person or persons duly authorized by the Town through its Board of Trustees, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- T. MAJOR CONTRIBUTING INDUSTRY - an industry that:
(1) Has a flow of 50,000 gallons or more per day;
(2) Has a flow of greater than five percent of the flow carried by the municipal system receiving the waste;
(3) Has in its waste a toxic pollutant in toxic amounts as defined in standards

issued under Section 307 (a) of PL 92-500; or

- (4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works on the quality of effluent from the treatment works.
- U. NPDES PERMIT - A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- V. NORMAL DOMESTIC SEWAGE - Wastewater or sewage having an average daily concentration as follows:
BOD not more than 200 mg/l
S.S. not more than 200 mg/l
As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.
- W. OPERATION AND MAINTENANCE COSTS - Include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- X. OTHER SERVICE CHARGES - Tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges.
- Y. OUTLET - Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Z. pH - The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
- AA. PERSON - Any individual, firm, company, association, society, corporation, group or other entity.
- BB. PRETREATMENT - The treatment of industrial sewage from privately owned industrial sources prior to introduction into public treatment works.
- CC. PRIVATE SEWER - A sewer which is not owned by a public authority.
- DD. PROPERLY SHREDDED GARBAGE - The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- EE. PUBLIC SEWER - A sewer which is owned and controlled by the public authority and will consist of the following increments:
- (1) Collect sewer - A sewer whose primary purpose is to collect wastewaters from individual point source discharge. May be Sanitary Sewer or Combined Sewer.

- (2) Interceptor sewer - A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
 - (3) Force main - A pipe in which wastewater is carried under pressure.
 - (4) Pumping station - A station positioned in the public sewer system at which wastewater is pumped to a higher level.
- FF. REPLACEMENT COSTS - The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- GG. SANITARY SEWER - A sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
- HH. SEWAGE - The combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The two most common types of sewage are:
- (1) Sanitary Sewage - the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
 - (2) Industrial Sewage - a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include wastes from pretreatment facilities and polluted cooling water.)
- II. SEWER USE ORDINANCE - A separate and companion enactment to this article, which regulates the connection to and use of public and private sewers.
- JJ. SHALL - is mandatory; May is permissive.
- KK. SEWAGE WORKS - The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
- LL. SEWER - A pipe or conduit for carrying sewage.
- MM. SLUG - Any discharge of water or wastewater which is concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours of concentration of flows during the normal operation and shall adversely affect the collection system.
- NN. STANDARD METHODS - The laboratory procedures set forth in the latest edition, at the time of analysis of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.

- OO. STORM SEWER - A sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- PP. SUPERINTENDENT - The Superintendent of the municipal sewage works of the Town of Winamac, Indiana, or his authorized deputy, agent or representative.
- QQ. SUSPENDED SOLIDS - Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.
- RR. TOTAL SOLIDS - The sum of suspended and dissolved solids.
- SS. TOWN - The Town of Winamac, Indiana, acting by and through the Board of Trustees.
- TT. TOXIC AMOUNT - Shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.
- UU. UNPOLLUTED WATER - Water of quantity equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- VV. USER CHARGE - A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500.
- WW. USER CLASS - The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).
- XX. VOLATILE ORGANIC MATTER - The material in the sewage solids transformed to gases or vapors when heated at 55 degrees c for 15 to 20 minutes.
- YY. WATERCOURSE - A natural or artificial channel for the passage of water either continuously or intermittently.

10-2-2: RATES AND CHARGES

10-2-2-1: USER CLASSES

Every person whose premises are served by said sewage works shall be charge for the services provided. These charges are established for each user class, as defined, in order that the average works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude

within a user class.

- A. User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- B. The various classes of users of the treatment works for the purpose of the Article, shall be as follows:

- Class I - Residential
 - Commercial
 - Institutional
 - Industrial

10-2-2-2: USER RATES AND CHARGES

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

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

ALL CLASS I USERS

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

<u>USER CHARGE</u>	<u>DEBT SERVICE</u>	<u>TOTAL</u>
\$ 1.51	\$ 0.64	\$2.15

PLUS

(2) Base Rate - As follows:

MONTHLY BASE RATE

<u>BASE RATE</u>	<u>USER CHARGE</u>	<u>DEBT SERVICE</u>	<u>TOTAL</u>
5/8 - 3/4 inch water meter	\$1.45	\$ 2.50	\$3.95
1 inch water meter	2.16	6.34	8.50
1 1/4 inch water meter	2.86	10.14	13.00
1 1/2 inch water meter	3.71	14.79	18.50
2 inch water meter	5.68	25.32	31.00
3 inch water meter	11.79	58.21	70.00
4 inch water meter	20.25	102.25	123.00
6 inch water meter	44.22	230.78	275.00

- B. For users of the sewage works that are unmetered water users or accurate meter readings are not available, the

monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equalling a month). The schedule on which said rates and charges shall be determined is as follows:

MONTHLY BASE RATE

	<u>USER CHARGE</u>	<u>DEBT SERVICE</u>	<u>TOTAL</u>
Residential: Single Family residence/unit	\$8.25	\$5.40	\$13.65

Unmetered non "Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- C. For the service rendered to the Town of Winamac, said Town shall be subject to the same rates and charges herein above provided, or to charges and rates established in harmony therewith.
- D. In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring, but not less than \$25 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this Article. (1985)

10-2-2-3: STRENGTH AND CONTENT OF SEWAGE DISCHARGE

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

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

rates or charges, the owner or other interested party shall, at his expense, install and maintain weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

- C. In the event two or more residential lots, parcels or real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, and billing for service is rendered to the individual lots, parcels of real estate, buildings or dwelling units, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- D. In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, and billing for service is rendered in a single monthly bill, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rate per month of \$3.95. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other spaces available for rent plus any other dwelling unit served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- E. In order that single family domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the month of June, July, August and September, the the billing for sewage services for residents and/or domestic users for said months of June, July, August and September shall be based upon the average water usage for the previous months of December, January, February and March is greater than the water usage for said months of June, July, August and September, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage services as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.
- F. In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sewage system, either

directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his own expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

- G. Where a meter water supply is used for fire protection as well as for other users, the Town may, at its discretion, make adjustments in the users charge as may be equitable. (1985)

10-2-2-4: QUANTITY OF SEWAGE DISCHARGE

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

- A. Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) RATE SURCHARGE BASED UPON SUSPENDED SOLIDS

There shall be an additional charge of 20 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.

(2) RATE SURCHARGE BASED UPON BOD

There shall be an additional charge of 20 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

- B. The determination of Suspended Solids and five-day biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (1985)

102-2-25: BILLING PROCEDURE

Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and this article.

- A. The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user

for the previous year.

- B. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- C. As in provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and penalty of ten percent (10%) of the amount of the rates or charges shall there upon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill. (1985)

10-2-2-6: REVIEW OF RATES AND CHARGES

In order that the rates and charges for sewage service may remain fair and equitable and be in proportion to the cost of providing services to the various uses of user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the first goes into affect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and deliverly flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenue to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionally among the user classes of the rates and charges for sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm or certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances. (1985)

10-2-2-7 BYLAWS AND REGULATIONS

The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free services shall be provided to any user of the wastewater treatment facility.

The Town is hereby authorized to prohibit dumping of wastes into

the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the sewage works.

10-2-2-8: APPEAL PROCESS

That the rules and regulations promulgated by the Town, after approved by the Board of Trustees shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Trustees and that any decision concerning the sewage system or user charges of the Board of Trustees may be under the appeal procedures provided for in the Indiana Administrative Adjudication Act. (1985)

10-2-3: 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 of the Town of Winamac, Indiana, and providing for violations thereof.

10-2-3-1: CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWER AND DRAINS

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

No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. Unpolluted waters shall be removed from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities.

Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers or combined sewers which have adequate capacity for their accomodation. No person shall use such sewers, however, without the specific permission of the Town. Any new building approved for connection to combined sewer must make two separate and distinct connecting laterals, one for sanitary discharges and one for inflow and/or clear water discharges to facilitate disconnection of inflow and clear water discharges from the combined sewer should a storm sewer become available.

No new connection shall be made to any sanitary, combined or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids. New construction proposing discharge of inflow or clear water into the combined sewer system shall be required to provide ponds or other containment facilities to store or partially store inflow or clear water and release the stored water during off peak flow times as approved by the Board.

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

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

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. (1985)

10-2-3-2: INSTALLATION AND CONNECTION OF SEWERS

Where a public sanitary or combined sewer is not available under the provisions of, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the Town at the time the application is filled.

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

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

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

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

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

No statement contained in this Article shall be constructed to interfere with any additional requirements that may be imposed by the Health Officer.

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

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

1. For residential and commercial service, and
2. for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Inspector. A permit and inspection fees of Fifty Dollars (\$50.00) for a residential or commercial building sewer permit and One Hundred Dollars (\$100.00) for an industrial building sewer permit shall be paid to the Clerk Treasurer at the time of the application is filed.

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 from any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear of the 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.

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

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

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

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Except connection to combined sewers is controlled by Article 10-2-3-1.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations.

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

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 manner satisfactory to the said Town. (1985)

All extensions of sewers to new developments or unsewered areas of the Town shall be sanitary sewers. Construction of new combined sewers or extensions of existing combined sewers are not permitted. All plans and specifications for sewer extensions must have valid construction permits from the Indiana Department of Environmental Management before construction commences.

10-2-3-3: DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM

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

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- C. Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.
- D. Solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials, of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. or sixty-five (65) degrees C.
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. or zero and sixty-five (0 and 65) degrees C.
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp

metric) or greater shall be subject to the review and approval of the Superintendent.

- D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such material.
- F. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the Superintendent for such materials.
- G. Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5.
- I. Materials which exert or cause:
 - Unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions). Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works. Unusual volume of flow or concentration of wastes constituting "slug" as defined herein.
- J. Waters or wastes containing substances which are not amendable to treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Article, and which in the judgement of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- A. Require new industries (or other large users) or industries (or other large users) with significant increase in discharges to submit information on wastewater quantities characteristics and obtain prior approval for discharges.
- B. Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
- C. Require pretreatment of such wastes to within the limits of normal sewage as defined.
- D. Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or

- E. Require payment of a surcharge on any excessive flows or loading discharges to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, articles and law.

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

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

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for applications of NPDES permits and report thereof which shall be adopted by the U.S. EPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. The particular analyses involved will determine whether twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate article. (1985)

10-2-3-4: PRETREATMENT OF INDUSTRIAL WASTES

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the Town and any subsequent State or Federal Guidelines and Rules and Regulations.

Plans, specifications, and any other pertinent information relating to the pretreatment or control facilities shall be submitted for approval of the Town and the Indiana Department of Environmental Management and no construction of such facilities shall be commenced until the approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.

10-2-3-5: DISCHARGE OF UNPOLLUTED WATER

Unpolluted water from air conditioners, cooling condensing systems or swimming pools, where it is available, or to a combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a drainage outlet approved by the Town and by the State of Indiana.

Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above paragraph. (1985)

10-2-3-6: OBSERVATION, SAMPLING AND MEASUREMENT OF WASTES

The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests and analysis shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town.

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Article, from samples taken at the aforementioned structure at any period of time and of mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Town. (1985)

10-2-3-7: GREASE, OIL AND SAND INTERCEPTORS

Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (1985)

10-2-3-8: UNUSUAL FLOWS OR WASTES

Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. (1985)

10-2-3-9: COMPLIANCE WITH STATE AND/OR FEDERAL REQUIREMENTS

All provisions of this Article and limits set herein shall comply

property and within the premises thereon, of such persons to inspect and/or perform sewer tests as may be deemed necessary by the Town to verify the compliance hereinbefore referred to;

- B. The Grant of Permission set forth in 10-2-3-12, shall be deemed to include periodic inspections and/or tests as may be determined to be necessary by the Town of Winamac to maintain, insure and monitor compliance with the provisions of this Article.
- C. The term "Town of Winamac" as used herein, shall mean and include such employees, or designees of the Town of Winamac, Indiana, as it shall, from time to time utilize in making the inspections and/or tests heretofore referred to. Such persons shall have on their persons, identification to verify that they in fact represent said Town for said purposes.
- D. The inspection shall be made upon reasonable notice of at least forty-eight (48) hours. There shall be no fee charged for said inspection.
- E. If, upon the initial inspection contemplated to verify compliance, a person is in fact not found to be in compliance, said person shall be given fourteen (14) days from the date of said inspection to so comply.

In the event, a person is found to be in compliance as heretofore set forth, and upon subsequent inspection is found not to be in compliance, said person shall be liable for payment of an amount equal to the sum of the month since adoption of this Article, multiplied by the monthly penalty in effect during such period as the cause may be; provided that, such liability shall be reduced to fifty percentum (50%) of said amount if said person complies within a period of ten (10) days after a notice by the Town of Winamac, of his non-compliance a second or subsequent time, then said person shall be liable for a sum equal to fifty dollars (\$50.00) plus an amount equal to the sum of the months since adoption of this Article multiplied by the monthly penalty in effect during such period as the case may be.

The Board of Trustees has determined that the measures heretofore set out are a reasonable means of insuring compliance with of this Article and are further necessary to protect and insure the health, safety and welfare of the Citizens of Winamac, Indiana, and surrounding areas.

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

Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall deemed a separate offense.

Any person violating any of the provisions of this Article shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation. (1985)

Approved this 28th day of August, 1989.

ATTEST:

Karen L. Price

Karen L. Price
Clerk Treasurer

APPROVED:

Alvin P. Paris

Don Small

Thomas E. Shank

Joe D. White

Marjorie M. Day

ORDINANCE NO. 10 - 97

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE TOWN OF WINAMAC, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING ORDINANCE 5-9-95, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized the construction of improvements, and

WHEREAS, the Town may sell revenue bonds to fund that portion of the cost not covered by funds on hand, and

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency, and to pay the principal and interest on proposed revenue bonds in accordance with the applicable bond ordinance; now therefore

BE IT ORDAINED BY THE Town Council of the Town of Winamac, Indiana;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Winamac, Indiana, or any duly authorized officials acting in its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same as defined in the Use Ordinance.
- (c) "Town" shall mean the Town of Winamac, Indiana, acting by and through the Town Council.
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.
- (e) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business process as distinct from employee wastes or wastes from sanitary convenience.

- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/1
S.S. not more than 200 mg/1

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

- (i) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment of a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (j) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than user Charges, debt service charges and excessive strength surcharges.
- (k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (l) "Replacement costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (m) "S.S" (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (q) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500.

- (r) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town discharges primarily segregated domestic waste or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the average works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charge shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:
- Class I
 - Residential
 - Commercial
 - Governmental
 - Institutional
 - Industrial

Section 3. For the use of and the services rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewer system of the Town of Winamac. Such rates and charts include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

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

All Users

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

<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
\$1.92	\$1.08	\$3.00

plus

- 2) Base rate - as follows:

<u>Base Rate</u>	<u>Monthly Base Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
5/8 - 3/4" inch water meter	\$ 2.15	\$ 3.40	\$ 5.55
1 inch water meter	3.35	8.50	11.85
1 1/4 inch water meter	4.55	13.60	18.15
1 1/2 inch water meter	5.99	19.71	25.70
2 inch water meter	9.35	34.00	43.35
3 inch water meter	19.75	78.20	97.95
4 inch water meter	34.15	139.40	173.55
6 inch water meter	74.95	312.80	387.75

- (b) For users of the sewage works that are unmetered water users or accurate meter

readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

	<u>Monthly Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Residential:			
Single Family residence/unit	\$10.79	\$8.26	\$19.05

Unmetered non "Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (c) For the service rendered to the Town of Winamac said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but no less than \$25.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonable elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

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

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or their liquids into the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility service the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, and billing for service is rendered to the individual lots, parcels of real estate, building or dwelling units, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measure by a single water meter, and billing for service is rendered in a single monthly bill, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rate per month of \$5.55. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (e) In order that single family domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September, the billing for sewage services for residents and/or domestic users for said months of June, July, August ad September shall be based upon the average water usage for the previous months of December, January, February and March. In the event the water usage for said previous months of December, January, February and March is greater than the water usage for said month of June, July, August and September, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage services as applicable to the

sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such case the water usage as register by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

- (f) In the event a lot, parcel of real estate or building discharge sanitary sewage, industrial waste, water or other liquids not the Town's sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (g) Where a metered water supply is used for fire protection as well as for other users, the Town may, at its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to user, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem practicable in the light of the condition and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the Sewer Use Ordinance, available to the Town at all times.

- (a) Normal sewage domestic waster strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (1) Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of 20 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.
 - (2) Rate Surcharge Based Upon BOD. There shall be an additional charge of 20 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

- (b) The determination of Suspended Solids and five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes;; as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 6. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the previous year.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (c) As in provided by stature, all rates and charges not paid when due are hereby declared to be delinquent and penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses for user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the first goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluent from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements of the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the

sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionally among the user classes of the rates and charges for sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm or certified public accountants, or firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances.

Section 8. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

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

Section 9. The invalidity of any section, clause, sentence or provision of this ordinance which can be given effect without such invalid part of parts.

Section 10. The Council is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

Section 11. That the rules and regulations promulgated by the Town, after approved by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Town Council and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indian Administrative Adjudication Act.

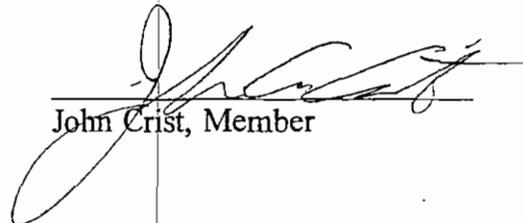
Section 12. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this Ordinance.

This ordinance shall be in full force and effect from and after its passage after public hearing.

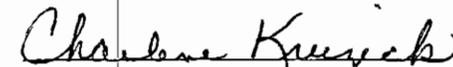
Passed and adopted by the Town Council of the Town of Winamac, Indiana, on the 11th day of August, 1999

THE WINAMAC, INDIANA TOWN COUNCIL


James Brettin, Member


John Crist, Member


Michael Rausch, Member


Charlene Kruzick, Member


Bruce Brumm, Member

ATTEST:


Judy Heater, Clerk/Treasurer

ORDINANCE NO. 3 OF 2006

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING ORDINANCE 10-97, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town Council has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized the construction of improvements pursuant to an approved Long-Term Control Plan, and

WHEREAS, the Town may sell revenue bonds to fund that portion of the cost not covered by funds on hand, and

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency, and to pay the principal on current and proposed revenue bonds in accordance with the applicable bond ordinances; now therefore

BE IT ORDAINED BY THE Town Council of the Town of Winamac, Indiana;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Winamac, Indiana, or any duly authorized officials acting on its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (c) "Town" shall mean the Town of Winamac, Indiana, acting by and through the Town Council.
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all current and proposed revenue bonds or other long-term capital debt.
- (e) "Excessive Strength Surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business process as distinct from employee wastes or wastes from sanitary convenience.
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.

- (h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l
S.S. not more than 200 mg/l
Phosphorus not more than 200 mg/l
Ammonia not more than 20 mg/l

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

- (i) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (j) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than user Charges, debt service charges and excessive strength surcharges.
- (k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (l) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (m) "S.S." (or suspended solids) shall have the same meaning as defined in the Use Ordinance.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (q) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (r) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:

- Class I - Residential
 - Commercial
 - Governmental
 - Institutional
 - Industrial

Section 3. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town of Winamac. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

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

All Users

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

	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
	\$ 2.30	\$ 1.30	\$ 3.60
plus			

- 2) Base Rate - per month, as follows:

	<u>Monthly Base Rate</u>		
<u>Base Rate</u>	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
5/8 - 3/4" inch water meter	\$ 2.58	\$ 4.07	\$ 6.65
1 inch water meter	4.01	10.19	14.20
1 1/4 inch water meter	5.47	16.33	21.80
1 1/2 inch water meter	7.20	23.65	30.85
2 inch water meter	11.21	40.79	52.00
3 inch water meter	23.71	93.84	117.55
4 inch water meter	40.97	167.28	208.25
6 inch water meter	89.94	375.36	465.30

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

	<u>Monthly Rate</u>		
<u>Residential:</u>	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Single Family residence/unit	\$ 12.95	\$ 9.90	\$ 22.85

Unmetered non "Residential Single Family Dwelling units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (c) For the service rendered to the Town of Winamac, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but no less than \$30.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section. The Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

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

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or building served through the single water meter.
- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, and billing for service is rendered in a single monthly bill, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rate per month of \$6.65. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (e) In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of June, July, August and September, the billing for sewage service for residents and/or domestic users for said months of June, July, August and September shall be based on the water usage for the previous months of December, January, February and March. In the event the water usage for said previous months of December, January, February and March is greater than the water usage for said months of June, July, August and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service, as applicable to the sprinkling rate, shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such case, the water usage as registered by the water meter serving

such portion of the premises used for residential purposes would qualify under the sprinkling rate.

- (f) In the event a lot, parcel or real estate or building discharge sanitary sewage, industrial waste, water or other liquids to the Town's sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (g) Where a metered water supply is used for fire protection as well as for other users, the Town may, at its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may reflect the costs of providing service rendered to users, the Town shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the Town may deem practicable in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (1) Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of 24 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.
 - (2) Rate Surcharge Based Upon BOD. There shall be an additional charge of 24 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.
- (b) The determination of Suspended Solids, five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 6. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the previous year.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (c) As in provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses for user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the first goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluent from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements of the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionally among the user classes of the rate and charges for sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm or certified public accountants, or firm consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances.

Section 8. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

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

Section 9. The invalidity of any section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts.

Section 10. The Council is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

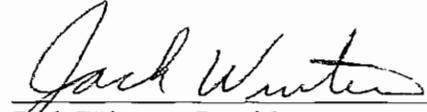
Section 11. That the rules and regulations promulgated by the Town, after approval of the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system of the Town Council and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the circuit court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 12. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this Ordinance.

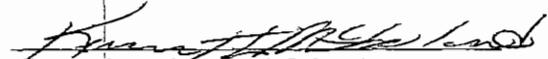
This Ordinance shall be in full force and effect from and after its passage after public hearing.

Passed and adopted by the Town Council of the Town of Winamac, Indiana, on the 8TH day of MAY, 2006.

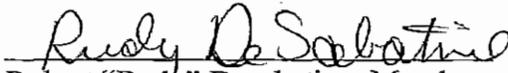
THE WINAMAC, INDIANA TOWN COUNCIL



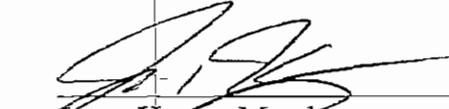
Jack Winters, President



Kenneth McFarland, Member



Robert "Rudy" Desabatine, Member



Jason Hague, Member

DeAnna Pletka, Member

ATTEST:



Judy Heater, Clerk-Treasurer

ORDINANCE NO. 4

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF WINAMAC, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING ORDINANCE 3-06, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town Council has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized the construction of improvements pursuant to an approved Long-Term Control Plan, and

WHEREAS, the Town may sell revenue bonds to fund that portion of the cost not covered by funds on hand, and

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency, and to pay the principal on current and proposed revenue bonds in accordance with the applicable bond ordinances; now therefore

BE IT ORDAINED BY THE Town Council of the Town of Winamac, Indiana;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Winamac, Indiana, or any duly authorized officials acting on its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (c) "Town" shall mean the Town of Winamac, Indiana, acting by and through the Town Council.
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all current and proposed revenue bonds or other long-term capital debt.
- (e) "Excessive Strength Surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business process as distinct from employee wastes or wastes from sanitary convenience.
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.

- (h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l
S.S. not more than 200 mg/l
Phosphorus not more than 200 mg/l
Ammonia not more than 20 mg/l

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

- (i) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (j) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than user Charges, debt service charges and excessive strength surcharges.
- (k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (l) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (m) "S.S." (or suspended solids) shall have the same meaning as defined in the Use Ordinance.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (q) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (r) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:

Class I - Residential
- Commercial
- Governmental
- Institutional
- Industrial

Section 3. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town of Winamac. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

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

All Users

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

	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
	\$ 4.22	\$ 2.38	\$ 6.60
plus			

- 2) Base Rate - per month, as follows:

Monthly Base Rate

Base Rate

	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
5/8 - 3/4" inch water meter	\$ 4.74	\$ 7.46	\$ 12.20
1 inch water meter	7.34	18.66	26.00
1 1/4 inch water meter	10.03	29.92	39.95
1 1/2 inch water meter	13.18	43.32	56.50
2 inch water meter	20.53	74.72	95.25
3 inch water meter	43.42	171.88	215.30
4 inch water meter	75.04	306.41	381.45
6 inch water meter	164.75	687.55	852.30

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

Monthly Rate

	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Residential: Single Family residence/unit	\$ 23.72	\$ 18.13	\$ 41.85

Unmetered non "Residential Single Family Dwelling units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (c) For the service rendered to the Town of Winamac, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but no less than \$30.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section. The Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

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

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or building served through the single water meter.
- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, and billing for service is rendered in a single monthly bill, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rate per month of \$12.80. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (e) In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of June, July, August and September, the billing for sewage service for residents and/or domestic users for said months of June, July, August and September shall be based on the water usage for the previous months of December, January, February and March. In the event the water usage for said previous months of December, January, February and March is greater than the water usage for said months of June, July, August and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service, as applicable to the sprinkling rate, shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such case, the water usage as registered by the water meter serving

such portion of the premises used for residential purposes would qualify under the sprinkling rate.

- (f) In the event a lot, parcel or real estate or building discharge sanitary sewage, industrial waste, water or other liquids to the Town's sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (g) Where a metered water supply is used for fire protection as well as for other users, the Town may, at its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may reflect the costs of providing service rendered to users, the Town shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the Town may deem practicable in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (1) Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of 24 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.
 - (2) Rate Surcharge Based Upon BOD. There shall be an additional charge of 24 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.
- (b) The determination of Suspended Solids, five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 6. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the previous year.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (c) As in provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses for user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the first goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluent from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements of the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionally among the user classes of the rate and charges for sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm or certified public accountants, or firm consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances.

Section 8. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

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

Section 9. The invalidity of any section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts.

Section 10. The Council is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

Section 11. That the rules and regulations promulgated by the Town, after approval of the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system of the Town Council and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the circuit court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 12. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this Ordinance.

This ordinance shall be in full force and effect from and after its passage after public hearing.

Passed and adopted by the Town Council of the Town of Winamac, Indiana on the 20th day of August, 2007

The Winamac, Indiana Town Council



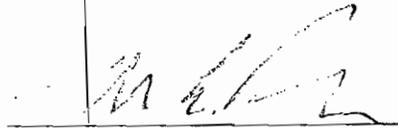
Rudy DeSabatino, President



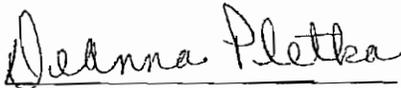
John Behny, Member



Rod Button, Member



John Plowman, Member



DeAnna Pletka, Member

ATTEST:



Judy Heater, Clerk-Treasurer