TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GENERAL PROVISIONS

Section

50.01 Acceptance of credit and debit cards for payment

§ 50.01 ACCEPTANCE OF CREDIT AND DEBIT CARDS FOR PAYMENT.

The town will accept payment by credit card or bank card for water, sewage and trash services and for meter deposits owed the town. For purposes of this section, ***CREDIT CARD*** shall include debit card, charge card or stored value card. Any charge to the town for use of the credit card or bank card by the payor will not be collected from the payor.
(Ord. 09-02, passed 4-6-2009)

CHAPTER 51: GARBAGE

Section

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§ 51.01 DEFINITIONS.

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

GARBAGE. Kitchen and table refuse from cooking, processing, preparing and serving human foods and drinks, any vegetable or animal matter abandoned by the prior possessor thereof or intended by the possessor for disposal, every accumulation vegetable and animal matter that attends the preparation, keeping, dealing in or storage of meats, fish, seafoods, fowl, birds, vegetable, milk or other substance that can be used as human food and intended for disposal other than by human consumption at the time of the disposal. ***GARBAGE*** shall not include any dishwater or waste water.

GARBAGE CONTAINER. A metal or plastic can or container with suitable cover so as to prevent the escape of any odor therefrom. A plastic bag designed for disposal of garbage which does not permit the escape of any odor therefrom. Any metal or plastic can or container without suitable cover or broken plastic bag shall not be considered a ***GARBAGE CONTAINER***.

PERSON. Includes an individual, corporation, partnership or any other legal entity.

SOLIDS. Stone, sand, dirt, gravel, brickbats, broken dishes, bottles, cans, pottery, old iron, junk metals, plastics and all other substances of a permanent nature and as such are not subject to speedy decay or the generation of noxious and offensive odors. Any of the above items disposed of in the same container as garbage or mixed therewith shall be considered garbage.

SOLIDS CONTAINER. Any container of a size that can be lifted and carried by one person and of sufficient size to hold all the solids placed therein below the top level of the container.

WASTE. Broken or cut down trees, tree limbs, brushy shrubs and the trimmings therefrom, leaves, old rags, paper sweepings, wooden or paper boxes, crates, sacks and all other debris and accumulation of waste from dwelling or business establishment as are not within the definition of garbage or solids.
(Prior Code, § 53.01) (Ord. 79-5, passed 6-4-1979)

§ 51.02 CONTAINER REQUIRED.

It shall be unlawful for any person to place or deposit any garbage outside of any residential or business establishment or upon any right-of-way adjacent thereto, unless same is within a garbage container.
(Prior Code, § 53.02) (Ord. 79-5, passed 6-4-1979)
Penalty, see § 51.99

§ 51.03 CONTAINER OUT OF SIGHT.

It shall be unlawful for any person to keep a garbage container, with or without garbage therein, on the property occupied or used by the person, where the container can be seen from the street fronting the property, or on the right-of-way adjacent thereto for a period of more than three successive days.
(Prior Code, § 53.03) (Ord. 79-5, passed 6-4-1979)
Penalty, see § 51.99

§ 51.04 CONTAINER REQUIRED FOR SOLIDS.

It shall be unlawful for any person to place or deposit any solids outside of a residential or business establishment or upon any right-of-way adjacent thereto, unless same is in a garbage or solids container.
(Prior Code, § 53.04) (Ord. 79-5, passed 6-4-1979)
Penalty, see § 51.99

§ 51.05 SOLIDS CONTAINERS MUST BE KEPT OUT OF SIGHT.

It shall be unlawful for any person to keep a solids container on the property occupied or used by the person, where the container can be seen from the street fronting the property, or on the right-of-way adjacent thereto, for a period of more than five successive days.
(Prior Code, § 53.05) (Ord. 79-5, passed 6-4-1979)
Penalty, see § 51.99

§ 51.06 WASTE MUST BE COVERED.

It shall be unlawful for any person to keep waste outside of a residential or business establishment without cover therefore where the waste is susceptible to being blown by the wind from the place deposited.
(Prior Code, § 53.06) (Ord. 79-5, passed 6-4-1979)
Penalty, see § 51.99

§ 51.07 VISIBLE WASTE RESTRICTED.

It shall be unlawful for any person to keep any waste on the property occupied or used by the person, where the waste can be seen from the street fronting the property, or in the right-of-way adjacent thereto, for a period or more than five successive days.
(Prior Code, § 53.07) (Ord. 79-5, passed 6-4-1979)
Penalty, see § 51.99

§ 51.08 KEEPING ON PROPERTY OF ANOTHER PROHIBITED.

It shall be unlawful for any person to place, deposit or keep any garbage, garbage container, solids, solid containers or waste on any public street or alley within the town or on any property not then and there occupied or used by the person.
(Prior Code, § 53.08) (Ord. 79-5, passed 6-4-1979)
Penalty, see § 51.99

§ 51.09 HAULING.

It shall be unlawful for any person to transport, carry or haul any garbage, solids or waste over any street, alley or other public way or place except in closed or covered trucks designed to prevent any garbage, solid or waste to be blown therefrom, to drop therefrom, or to permit offensive or noxious odors to escape therefrom when loaded.
(Prior Code, § 53.09) (Ord. 79-5, passed 6-4-1979)
Penalty, see § 51.99

§ 51.10 SOLID WASTE COLLECTION AND DISPOSAL.

(A) The town shall provide solid waste collection and disposal to the citizens of the town.

(B) The service shall be provided to the incorporated area to the town.

(C) Service shall be provided by contracting with an outside contractor.

(D) The charge for the monthly service will be fixed by the Town Council from time to time. The charge shall be billed separately even though it is established as a service of the sewage utility.

(E) The method of payments for user charges shall be monthly due on the last day of each month with the payments to be made to the Clerk-Treasurer of the town.

(F) Penalty shall be assessed in the amount of 10% for late payments.

(G) Revenues shall be restricted to the amount reasonably related to the cost of providing this service. An accounting shall be so that documentation will be provided so as to comply with all statutes and regulations.
(Ord. 98-3, passed 3-23-1998; Ord. 06-05, passed 6-5-2006)

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person who does any act done in violation of §§ 51.01 through 51.09 shall be punished by a fine not to exceed $300. Every day any violation of §§ 51.01 through 51.09 shall continue shall constitute a separate offense.
(Prior Code, § 53.10) (Ord. 79-5, passed 6-4-1979)

CHAPTER 52: WATER

Section

Water Utility

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Backflow Prevention

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WATER UTILITY

§ 52.01 DEFINITIONS.

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

BOARD. The Utility Service Board of the town.

CLERK-TREASURER. The duly qualified and acting ***CLERK-TREASURER*** of the town.

OWNER. The record owner of a tract of real estate as shown by the records of the Auditor of the county, which tract of real estate is served or is required to be served as a user or users.

PERSON. An individual, firm, company, partnership, corporation, association, society, institution, enterprise, governmental agency or other entity.

PRIVATE SUPPLY. Any individual, industrial, commercial or private water system.

SERVICE LATERAL. The water main that transmits water from the town conduit main located in a public easement or right-of-way, through the owner's property to its point of use.

SUPERINTENDENT. The person or persons appointed by the Utility Service Board, including a designated member of the Board, to manage the day to day physical operation of the waterworks.

TOWN SUPPLY. The water system of the town waterworks.

USER. An individual residential, commercial or industrial structure or unit which obtains water or is served with water from the town waterworks.

WATERWORKS. The water system of the town including separately and collectively all wells, pumps, building, pits and transmission and conduit mains that are used to obtain water from the ground and transmit same to the user.
(Prior Code, § 52.01)

§ 52.02 REQUIRED USE.

The owner of all real estate which is adjacent to a conduit main of the waterworks, upon which real estate is located a residential, commercial, industrial or other buildings used for human occupancy, employment or recreation is hereby required to connect by a service lateral to the town waterworks. It shall be a violation of this subchapter not to make the connection required herein 90 days after written notice to do so has been given to the owner by the town.
(Prior Code, § 52.02) Penalty, see § 52.99

§ 52.03 CONSTRUCTION OF LATERAL SERVICE.

The size, shape, alignment, materials of construction of service laterals and the method used in excavating, placing the pipe, jointing, testing and backfilling the trench shall conform to the requirement of the building and plumbing codes and other applicable rules and regulations of the town.
(Prior Code, § 52.03)

§ 52.04 SEPARATE SERVICE LATERALS.

A separate and independent service lateral shall be provided for each user, except where approval is otherwise given by the Board where multiple units are placed under a common and integral roof.
(Prior Code, § 52.04)

§ 52.05 TAPPING CITY SUPPLY.

Except upon application and permit as herein provided for, it shall be unlawful for any person, except the Superintendent of the waterworks and those employed by him or her or by the Board, to tap or make any connection with the city supply, nor shall any person make, establish or maintain any physical connection with any private supply.
(Prior Code, § 52.05) Penalty, see § 52.99

§ 52.06 TAP PERMIT.

(A) Prior to making any tap into the conduit mains of the town or connecting any service lateral thereto, the owner or his or her agent shall make application therefore to the town upon forms furnished therefor. The application shall be accompanied by plans, specifications, plat plan showing the location of the service lateral and point of connection to the waterworks, and any additional information that the Board or Superintendent may require. Except for owners in Prestwick Manor subdivision, a connection fee in the amount of $400 for a tap of five-eighths-inch diameter shall be paid to the Clerk-Treasurer at the time the application is filed. If the tap is greater than five-eighths inches, the fee shall be the cost of time and material in addition to $400. A permit and inspection fee of $25 shall be paid to the Clerk-Treasurer at the time the application is filed. In

addition the owner shall pay to the Clerk-Treasurer the sum of $35 as deposit for use as hereinafter provided. The Superintendent shall issue the permit within seven days of filing of the application, or within the time notify the owner or his or her agent what is additionally required before the permit will be issued.

(B) The connection to the town waterworks shall conform to the requirements of the building and plumbing code, any conditions on the permit, and other applicable rules and regulations of the town.

(C) The owner or his or her agent shall notify the Superintendent or the Clerk-Treasurer prior to covering any excavation when the connection is ready to be made. The connection shall be under the supervision of the Superintendent, who shall also inspect the service lateral and approve same.

(D) All excavations for service lateral shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.
(Prior Code, § 52.06) (Ord. 96-11, passed 12-9-1996)

§ 52.07 WATER METERS.

(A) The owner shall install a water meter in the service lateral at a point adjacent to the conduit main as determined by the Superintendent. The meter shall be furnished by the town and shall remain the property of the town.

(B) In Prestwick Manor subdivision, meters shall be furnished by the owner but become the property of the town.

(C) A meter shall be installed for each user, unless in those instances where there are multiple users or units placed under a common and integral roof, in which case the Board may approve one or more meters for more than one user.

(D) The town shall maintain all meters in good working order; however, any damage caused to meters, other than damage caused by the town or its agents or employees or by normal wear and tear, shall be chargeable to the owner, and the cost and expense of repairing the damage shall be paid by the owner.
(Prior Code, § 52.07) (Ord. 89-1, passed 7-10-1989)

§ 52.08 CONNECTION TO PRIVATE SUPPLY.

No person shall establish or maintain any physical connection of the town supply with any private supply.
(Prior Code, § 52.08) Penalty, see § 52.99

§ 52.09 SWIMMING POOL RECIRCULATION.

No person shall establish or maintain any physical connection of the city supply with any swimming pool recirculation system.
(Prior Code, § 52.09) Penalty, see § 52.99

§ 52.10 ADDITIONS TO CONDUIT PIPES AND STOPCOCKS.

It shall be unlawful for an owner whose premises are connected with the town supply to make or allow to be made any addition in or about any conduit pipes or stopcocks on the premises, unless the same is by permission and under the direction of the Superintendent.
(Prior Code, § 52.10) Penalty, see § 52.99

§ 52.11 STOPCOCK BOX NOT TO BE CONCEALED.

It shall be unlawful for any person, in paving or relaying sidewalks, to pave over and conceal the stopcock boxes attached to service laterals, but in every instance where it is desired to raise the grade of the sidewalks above the top of the stopcock boxes,

notice shall be given by the owner of the premises to the Superintendent in order that he or she may lengthen the stopcock box to conform with the new grade.
(Prior Code, § 52.11) Penalty, see § 52.99

§ 52.12 MAINTENANCE OF SERVICE LATERALS.

(A) After a service lateral has been connected into the conduit main and the connection has been approved by the Superintendent, it shall become the responsibility of the town to service, maintain and make necessary repairs to the service lateral from its connection with the conduit main up to the stopcock box and to the stopcock box. However, any damages caused to the stopcock box, other than damage caused by the town or its agents or employees or by normal wear and tear, shall be chargeable to the owner and the cost and expense of repairing the damage shall be paid by the owner.

(B) It shall be the responsibility of the owner to service, maintain and make necessary repairs to the service lateral from the stopcock box to its point of use. Any damage to the portion of the service lateral running from the stopcock box to its point of use shall be immediately repaired by the owner. All repairs shall be inspected and approved by the Superintendent. In the event that the owner fails to make the immediate repairs, the town shall perform same and the cost and expense of the repairs shall be chargeable to and paid by the owner.
(Prior Code, § 52.17) (Ord. 89-1, passed 7-10-1989)

§ 52.13 INSPECTION OF PREMISES.

Every person whose premises are connected with the town supply shall, at all reasonable times, permit the Superintendent and all persons employed by the Board to enter in and upon the premises to examine the pipes and apparatus thereon, and the manner in which water is used on the premises.
(Prior Code, § 52.12)

§ 52.14 DISCONNECTION.

Upon the failure of any owner to pay any charges or fees made payable under the subchapter within 30 days of the date the charge or fee is due, the Board, in addition to any other remedy provided for herein, may direct the Superintendent to disconnect the delinquent owner from the town supply, and may impose any conditions it deems reasonable on reconnecting. Prior to making any disconnection, the Clerk-Treasurer shall give a written ten-day notice of the ordered disconnection by registered mail to the owner at the address given on the records of the County Auditor, or other address theretofore given by the owner. It shall be unlawful for any person upon whose premises the town supply is used, after the water has been shut off or disconnected from the premises, to let on the water or to let the water run from his or her hydrants, or to authorize, cause, suffer or permit the water to be let on, unless the same is done by or under the direction of the Superintendent.
(Prior Code, § 52.13)

§ 52.15 USE OF FIREPLUGS.

(A) A rental fee of $234 per year shall be payed to the Water Utility for each fire hydrant once the hydrants are connected to the town's water system supplied by the City of Lafayette.

(B) It shall be unlawful for any person to open any fireplug appurtenant to the waterworks or to draw water therefrom, excepting the Superintendent and persons under his or her direction, and the Chief of any fire department serving the town, and the members thereof under his or her direction, and for the purpose of extinguishing fire or for cleaning their engines or hoses or for the purpose of making trials of their engines or equipment at a meeting of the company having charge of the engines. Nothing herein shall permit the fire departments to fill any water tanks or tankers.
(Prior Code, § 52.14) (Ord. 96-11, passed 12-9-1996) Penalty, see § 52.99

§ 52.16 ADDITIONS TO WATERWORKS.

(A) No additions to the waterworks shall be made or accepted as part of the waterworks, by the Board nor shall there by any responsibility on the part of the town or Board to repair or maintain same, unless the additions are made in accordance with this section.

(B) A person desiring to make an addition to the waterworks shall present to the Board his or her request for the addition and advise the Board of the needs to be served by the addition. The Board may reject the request, or may require the applicant to hire an engineer selected by the Board to provide the Board with a detailed study on the then capacity and pressure of the waterworks and an engineering report on the capacity and pressure if the addition to the waterworks were made. The Board can further require detailed plans and specifications. If the Board is satisfied that the addition can be made without adverse effect on the then present users, the Board may approve the addition.

(C) Water mains shall be constructed and installed within the rights-of-way of dedicated public streets, dedicated public alleys or dedicated public easements of the width as the Board shall approve. The water mains shall not occur under the portion of public streets used for vehicle travel, nor shall they occur under any concrete or bituminous pavement of streets or sidewalks, except those portion of mains which shall pass transversely thereunder and in direction perpendicular to the direction of travel upon the pavement; provided that the transverse portions of mains shall not include any service tap, service lateral, valve, connection to another main, change in direction or change of pipe size. Water mains and the appurtenances thereto may occur under the traveled portion or paved portion of any alley.
(Prior Code, § 52.15)

§ 52.17 RATES AND CHARGES.

There are hereby established for the use of and the service rendered by the waterworks of the town the following rates and charges.

(A) There is hereby fixed a minimum monthly charge for each residential user of $29.75, for which the user will be entitled to 3,000 gallons of water per month. In addition to the monthly minimum charge, a residential user shall pay $9.96 per 1,000 gallons or any part thereof from 3,000 to 10,000 gallons; an additional $4.99 per 1,000 gallons or any part thereof from 10,000 to 15,000 gallons; and an additional $1.65 per 1,000 gallons or any part thereof over 15,000 gallons.

(B) Until a time as an owner is connected to the waterworks pursuant to § 52.02 and assessed costs as set forth in division (A) above, the owner shall be charged the fixed rate of $12.66.

(C) Where the Board has authorized one meter for multiple users or units, then the owner shall pay a minimum charge for each unit served by the meter, and shall be entitled thereby to the gallonage usage provided in division (A) above, times the number of users or units. The excess gallonage usage as provided for in division (B) above shall apply thereafter to the one meter.

(D) If an owner requests the Superintendent or the Board to disconnect his or her water, then no minimum charge shall accrue or become payable until the owner requests the Superintendent to reconnect and the reconnection is made. The owner shall pay a fee of $25 to the Clerk-Treasurer each time the water is disconnected and a fee of $25 to reconnect.

(E) All owners shall, prior to connection with the waterworks and town supply, pay to the Clerk-Treasurer a deposit for each meter. The water meter deposit shall be $125, with $75 payable upon having the water service turned on, and with the remaining $50 due 30 days thereafter. The deposits shall be deposited in a waterworks account specifically for deposits of owners. Upon action by the Board to disconnect service pursuant to § 52.14 for delinquent payment of charges or fees, the Board may direct the Clerk-Treasurer to withdraw the owner's deposit and credit it to the delinquent charges. Before service can thereafter be reconnected, a new deposit must be paid.

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(F) All services provided by the waterworks shall be for the owner, and all charges and fees herein provided for shall be billed and charged to the owner and same shall be the owner's obligation. Billings shall be made by the Clerk-Treasurer on a monthly basis and shall be mailed by the Clerk-Treasurer to the owner at the address on file at the County Auditor's office or another address as the owner may in writing give to the Clerk-Treasurer.

(G) All bills for water service not paid within 15 days from the due date thereof, as stated in the bill, shall be subject to a collection or deferred payment charge of 10%.

(H) There shall be and there are hereby established for those customers having private fire protection sprinklers the following annual rates and charges.

Size	***Charge***
1-1/2-inch line	$166.70
2-inch line	$194.40
2-1/2-inch line	$249.90
3-inch line	$305.40
4-inch line	$388.80
5-inch line	$583.10
6-inch line	$777.30
8-inch line	$1,666.00
10-inch line	$2,082.40

(I) (1) A tenant/owner of property in the town whose account is 30 days or more in arrears and with a balance of $25 or more will be subject to a temporary disconnection of service on the first day of the following month. This disconnection will be subject to a $25 reconnection fee once the arrears are paid in full. The arrears must be paid by cash, money order, cashier's check or credit card only.

(2) Reconnection of water service shall not be authorized by any person, other than the Town Utility Clerk or Deputy Utility Clerk, once all the arrears are paid in full.
(Prior Code, § 52.18) (Ord. 96-11, passed 12-9-1996; Ord. 98-12, passed 10-23-1998; Ord. 00-04, passed 2-7-2000; Ord. 00-06, passed 4-3-2000; Ord. 06-02, passed 2-6-2006; Ord. 2010-11, passed - -2010; Ord. 11-5, passed 3-7-2011; Ord. 12-2012, passed 12-27-2012)

§ 52.18 WITHDRAWAL FROM JURISDICTION OF STATE UTILITY REGULATORY COMMISSION.

The Town Water Utility is withdrawn from the jurisdiction of the State Utility Regulatory Commission.
(Ord. 95-4, passed 5-8-1995)

BACKFLOW PREVENTION

§ 52.30 RESPONSIBILITY.

The Town Water Utility shall be responsible for the protection of the public potable water distribution system from contaminants or pollutants through the water service connection. If, in the judgment of the Town Water Utility an approved backflow prevention assembly is required as defined by 327 I.A.C. 8-10, Rule 10 (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, Town Water Utility shall give notice in writing by mail to the customer to install an approved backflow prevention assembly(s) at specific locations(s) on their premises. The consumer shall install an approved assembly(s) at the consumer's own expense; and failure, refusal or inability on the part of the customer to install, have

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tested and maintain the assembly(s) shall constitute a grounds for discontinuing water service to the premises until the requirements have been satisfactorily met.
(Ord. 01-08, passed 9-10-2001)

§ 52.31 DEFINITIONS.

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

AIR-GAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing, fixture or other device and the flood level rim of the vessel. An approved ***AIR-GAP*** shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel; and in no case less than one inch.

APPROVED. Accepted by the Town Water Utility as meeting an applicable specification stated or cited in this subchapter, or as suitable for the proposed use.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the utility's approved public water supply. These ***AUXILIARY WATERS*** may include water from another utility's public potable water supply or any natural source(s) such as a well, spring, river, stream and the like, or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the Water Utility does not have sanitary control.

BACKFLOW. The reversal of the normal flow of water caused by either backpressure or backsiphonage.

BACKFLOW PREVENTER. An approved assembly or means designed to prevent backflow.

BACKPRESSURE. The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

BACKSIPHONAGE. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply caused by the reduction of pressure in the potable water supply system.

CONTAMINATION. An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

CROSS-CONNECTION. Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system.

CROSS-CONNECTION CONTROL BY CONTAINMENT. The installation of an approved backflow prevention assembly at the water service connection to any customer's premises where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross- connection.

CROSS-CONNECTIONS CONTROLLED. A connection between a potable water system and a nonpotable water system with an air-gap or approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

DEGREE OF HAZARD. An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

DOUBLE CHECK VALVE ASSEMBLY. An assembly of two independently operating, approved check valves with resilient seated shut-off valves on each end of the check valves, plus properly located resilient seated test cocks for testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in an approval by a recognized and Town Water Utility approved testing agency for backflow prevention assemblies. To be approved, these assemblies must be readily accessible for in-line testing and maintenance. Confined space installations will not be accepted.

HEALTH HAZARD. Any condition, device or practice in the water supply system and its operation, which could create, or in the judgment of the Town Water Utility, may create a danger to the health and well being of the water consumer.

INDUSTRIAL FLUIDS SYSTEM. Any system containing a fluid or solution, which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of processed waters and used water originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalines, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems and the like; oils, gases, glycerin, paraffin, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

NONPOTABLE WATER. Water which is not safe for human consumption or which is of questionable potability.

PLUMBING HAZARD. A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by an approved air-gap or approved backflow prevention assembly.

POLLUTION. The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the waters for domestic use.

POLLUTION HAZARD. An actual or potential threat to the physical water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

POTABLE WATER. Any water which, according to recognized standards, is safe for human consumption.

REDUCED PRESSURE PRINCIPAL ASSEMBLIES. An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time, below the first check valve, the unit shall include properly located resilient seated test cocks and resilient seated shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and Town Water Utility approved testing agency for backflow prevention assemblies. The assembly shall operate to maintain the pressure in the zone between the check valves at an acceptable level less than the pressure on the public water supply side of the assembly. At cessation of a normal flow, the pressure between the two check valves shall be less

than the pressure on the public water supply side of the assembly. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these assemblies must be readily accessible for in-line testing and maintenance and be installed in a location where no part of the assembly will be submerged. Confined space installations will not be approved.

SUPERINTENDENT. The Superintendent of the Water Utility of the town who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this subchapter.

SYSTEM HAZARD. An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted affect on the quality of the potable water in the system.

USED WATER. Any water supplied by a Water Utility from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the Water Utility.

WATER SERVICE CONNECTION. The terminal end of a service connection from the public potable water system; i.e., where the Water Utility loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system. If a meter is installed at the end of the service connection, then the ***SERVICE CONNECTION*** shall mean the downstream end of the meter, provided the meter is installed outside of a building; i.e., in a meter pit or vault. If the meter is installed inside a building, then the Water Utility's jurisdiction terminates at the downstream end of the outside shut-off valve to the water service. There should be no unprotected takeoffs from the service line ahead of any meter or ahead of any backflow prevention assembly.

SERVICE CONNECTION shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.
(Ord. 01-08, passed 9-10-2001)

§ 52.32 WATER SYSTEM REQUIREMENTS.

The water system shall be considered as made up of two parts: the utility system and the customer system.

(A) The utility system shall consist of the source facilities and the distribution system; and shall include all air-gaps or approved backflow prevention assemblies properly installed and maintained, up to the point where the customer's system begins. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system. The distribution system shall include the network of mains used for the delivery of water from the source to the customer's system.

(B) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.
(Ord. 01-08, passed 9-10-2001)

§ 52.33 COMPLIANCE.

No water service connection to any premises shall be installed or maintained by the Town Water Utility unless the water supply is protected as required by state rules and regulations and this subchapter. Service of water to any premises may be discontinued by the Town Water Utility if a backflow prevention assembly required by this subchapter is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed or if an unprotected cross-connection exists on the premises. Service will not be restored until the conditions or defects are corrected.
(Ord. 01-08, passed 9-10-2001)

§ 52.34 INSPECTION.

The customer's system should be open for inspection at all reasonable times to authorized representatives of the Town Water Utility to determine whether there exists cross-connections or other structural or sanitary hazards, including violations of this subchapter or regulations which are adopted through this subchapter.
(Ord. 01-08, passed 9-10-2001)

§ 52.35 DISCONTINUATION OF SERVICE.

When a violative condition becomes known, the Superintendent may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state statutes and town ordinances relating to plumbing and water supplies and the regulations adopted pursuant thereto.
(Ord. 01-08, passed 9-10-2001)

§ 52.36 INSTALLATION OF BACKFLOW PREVENTION ASSEMBLY.

An approved backflow prevention assembly shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist.

(A) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Town Water Utility, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard

(B) In the case of premises on which any industrial fluids or any other objectionable substance is handled in a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

(C) The public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line or lines where potential hazards could exist in the case of premises having:

(1) Internal cross-connection that cannot be permanently corrected or controlled; or

(2) Intricate plumbing and piping arrangements or where entry to all portions of the premises are not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connections exist.
(Ord. 01-08, passed 9-10-2001)

§ 52.37 TYPE OF PROTECTIVE ASSEMBLY.

The type of protective assembly required shall depend upon the degree of hazard which exists as follows.

(A) In the case of any premises where there is an auxiliary water supply, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly.

(B) In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(C) In the case of any premises where there is any material dangerous to health as to create an actual or potential hazard to the public water system, the

public water system shall be protected by an approved air-gap separation or an approved reduced pressure

principle backflow prevention assembly. Examples of premises where these condition will exist include, but are not limited to sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(D) In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly at the service connection.

(E) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises.

(F) In the case of any premises having a lawn irrigation system, the public water system shall be protected by an approved pressure vacuum breaker backflow prevention assembly or an approved reduced pressure principle backflow prevention assembly.
(Ord. 01-08, passed 9-10-2001)

§ 52.38 APPROVAL OF BACKFLOW PREVENTION ASSEMBLY.

Any backflow prevention assembly required herein shall be a model and size approved by the Town Water Utility. The term ***APPROVED BACKFLOW PREVENTION ASSEMBLY*** shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled *AWWA C506-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices*. The assembly shall meet the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCC&HR) of the University of

Southern California established by Specifications of Backflow Prevention Assemblies § 10 of the most current issue of the *Manual of Cross-Connection Control*. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with the AWWA standards and FCCC&HR specifications.
(Ord. 01-08, passed 9-10-2001)

§ 52.39 ADOPTION OF STANDARDS BY REFERENCE.

The AWWA and FCCC&HR standards and specifications specifically referenced in § 52.38 are hereby adopted and incorporated herein by reference.
(Ord. 01-08, passed 9-10-2001)

§ 52.40 DUTY TO TEST AND REPAIR.

It shall be the duty of the customer/user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made upon installation and at least once per year. In those instances where the Town Water Utility Superintendent deems the hazard to be great enough, the Superintendent may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the state and the Town Water Utility. It shall be the duty of the Town Water Utility to see that these tests are made in a timely manner. If a customer/user does not have its backflow prevention assembly tested within 30 days of notification, the Town Water Utility may discontinue water service to the premises to maintain the safety of the public water system. These assemblies shall be repaired, overhauled or replaced at the expense of the customer/user whenever the assemblies are found to be defective. Records of the tests, repairs and overhaul shall be kept and made available to the Town Water Utility.
(Ord. 01-08, passed 9-10-2001)

§ 52.41 EXEMPTIONS.

All presently installed backflow prevention assemblies which do not meet the requirements of this section that were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall be excluded from the requirement of these rules so long as the Town Water Utility is assured that they will satisfactorily protect the utility system. However, whenever the existing device is moved from the present location or requires more than the minimum

maintenance or when the Town Water Utility finds that the assembly or its maintenance constitutes a hazard to health, the unit shall be replaced, at the consumer's expense, by an approved backflow prevention assembly meeting the requirement of this section.
(Ord. 01-08, passed 9-10-2001)

§ 52.42 CERTIFICATION OF TESTERS.

Certified testers shall be listed with the Town Water Utility and shall provide proof of six contact hours annually of approved continuing education to the Town Water Utility. In addition, certified testers will provide proof that test gauges used in testing backflow prevention assemblies have been calibrated and certified annually.
(Ord. 01-08, passed 9-10-2001)

§ 52.99 PENALTY.

(A) *Water Utility.* The commission of any act prohibited by §§ 52.01 through 52.17, or the failure to make any payment due under §§ 52.01 through 52.17, or the doing of any act prohibited by the lawful orders or regulations of the Board or Superintendent or the failure to perform a lawful order or regulation of the Board or Superintendent shall be a punishable violation of this chapter for which the penalty shall be a fine of not less than $10 nor more than $100 to which may be added, in the case of willful act or omission, imprisonment not exceeding six months.
(Prior Code, § 52.19)

(B) *Backflow prevention.* Whoever violates any provision of §§ 52.30 through 52.42 for which no other penalty is otherwise specifically provided shall be fined not more than $1,000. A separate offense shall be deemed committed on each day that a violation occurs or continues.
(Ord. 01-08, passed 9-10-2001)

CHAPTER 53: SEWERS

Section

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CONNECTIONS TO PUBLIC SEWERS AND DRAINS

§ 53.01 DEFINITIONS.

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

APPROVAL BY THE BOARD OF PUBLIC WORKS. Approval by the Board of Public Works and Safety of the City of Lafayette to be in conformance to the Municipal Wastewater Service Agreement between the town and the City of Lafayette, dated 12-7-1976, and all addendas and amendments thereto.

BOARD or ***TOWN.*** The Town of Dayton, Indiana, the Town Council or the Utility Service Board of the town.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING OR HOUSE DRAIN. The lowest horizontal piping of the sanitary drainage system or the building drainage system inside the walls of any building, which receives the discharge from soil, waste stacks and other drainage pipes and branches and conveys the same from inside the walls to a point four feet outside the building walls where it connects with its respective building or house lateral sewer.

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

COMPATIBLE POLLUTANTS. Wastewater having or containing:

(1) Measurable biochemical oxygen demand (B.O.D.);

(2) Suspended solids;

(3) pH;

(4) Fecal coliform bacteria; or

(5) Additional pollutants identified or defined in the town's national pollutant discharge elimination system permit or by the state or Board.

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

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

INCOMPATIBLE POLLUTANTS. Any pollutant which are not compatible pollutants.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

INSPECTOR. The person or persons, firm, association or corporation duly authorized by the town through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

MAJOR CONTRIBUTOR. A contributor that:

(1) Has a discharge flow of more than 50,000 gallons per average workday;

(2) Has in its waste a toxic pollutant in toxic amounts as defined in § 307 of the Federal Water Pollution Control Act, Pub. L. No. 92-500, being 33 U.S.C. § 1317, and any amendments thereto;

(3) Has significant impact, either singly or in combination with other contributors, on the sewage system, wastewater treatment plant or the quality of the effluent from the wastewater treatment plant; or

(4) Is so determined by reason of the contract between the town and the City of Lafayette.

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

NUISANCE. Any substance which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

PERSON. Any individual, firm, company, association, society, corporation, group, school, partnership, trustee, limited liability company or municipality.

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

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

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

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

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

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

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

SEWER. A pipe or conduit for carrying sewage.

SHALL. Is mandatory; ***MAY*** is permissive.

SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituted or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

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

SUPERINTENDENT. The Superintendent of the municipal sewage works of the town or the person, firm, association or corporation with whom the town has any contract for maintenance or management of the sewage works, or his or her authorized deputy, agent or representative.

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

USER. Any person that discharges, causes or permits the discharge of wastewater into the sewage system.

WASTE. Sanitary sewage and any other waste substance, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing or industrial operation of whatever nature, including the waste placed within containers of whatever nature prior to, and for the purpose of disposal.

WASTEWATER. The water carried waste from residences, business buildings, institution and industrial establishments, singular or in any combination, together with the ground, surface and stormwater as may be present.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS. The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Prior Code, § 50.01) (Ord. 78-6, passed 5-15-1978)

§ 53.02 CONNECTION TO SEWER.

(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 the town, any human or animal excrement, garbage, or other objectionable waste.

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

(C) 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.

(D) 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 or hereafter is located a public sanitary or combined sewer of the town, is hereby required at his or her expense to install suitable toilet

facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within 90 days after date of official notice to do so, provided that the public sewer is within 200 feet of the property line.
(Prior Code, § 50.02) (Ord. 78-6, passed 5-15-1978)
Penalty, see 53.99

§ 53.03 PRIVATE SEWAGE DISPOSAL SYSTEM.

(A) Where a public sanitary sewer is not available under the provisions of § 53.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for the permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of $50 shall be paid to the town at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 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 and the
Board of Health of the county. 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 the requirements of the then current Unified Zoning Ordinance of the county and the town. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At a time as a public sewer becomes available to a property served by a private sewage disposal system as provided in division (D) above, a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as provided in division (H) below of this section.

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

(H) When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
(Prior Code, § 50.03) (Ord. 78-6, passed 5-15-1978)

§ 53.04 PERMITS AND CONSTRUCTION.

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

(B) (1) There shall be two classes of building sewer permits:

(a) For residential and commercial

service; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his or her agent shall make application on a special form furnished by the 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 fee of $25 for a residential or commercial building sewer permit and $100 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed. Commercial and industrial users shall supply the town with information about expected wastewater constituents and characteristics.

(C) A major contributor shall obtain a major contributor permit for a fee of $150 and shall pay a like fee for each renewal at the time of making a request therefore.

(D) All costs and expense incident to the installation and connection of the building or house lateral 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.

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

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

(G) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision; vitrified clay sewer pipe ASTM C-13, latest revision; asbestos-cement sewer pipe ASTM C-428, latest revision, or approved equal. Plastic pipe shall have the National Sanitation Foundation (NSF) label on the pipe barrel and the pipe

shall comply with Commercial Standards CS-272-65, or CS-270-65, or ASTM D-3034 and ASTM D-1784, or other pipe as the town may from time to time approve.

(H) The size and slope of the building sewer shall be subject to the approval of the Superintendent. In general, the building sewer shall be the same size as the service branch but in no event less than four inches in diameter. The slope of the four-inch building sewer shall not be less than 1.2% and the six-inch sewer not less than 0.6% slope.

(I) No building sewer shall be laid parallel to within three feet of any bearing wall which might thereby be weakened. The depth shall sufficient to provide a minimum of 18 inches of cover over the pipe. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.

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

(K) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources or surface runoff or groundwater to a building or house lateral sewer or building or house drain which in turn is connected directly or indirectly to a public sanitary sewer.

(L) 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 ASTM and W.P.C.F. *Manual of Practice No. 9.* All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(M) The applicant for the building sewer permit shall notify the Inspector when the building or house lateral sewer is ready for inspection and connection to the public sewer. The connection shall be made under

the supervision of the Inspector or his or her representative.

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

(O) No person shall discharge any wastewater which will cause the town to violate any conditions of its NPDES permit.
(Prior Code, § 50.06) (Ord. 78-6, passed 5-15-1978; Ord. 79-1, passed 1-8-1979) Penalty, see § 53.99

§ 53.05 SURCHARGE FOR STRENGTH OF WASTE.

The town shall have the right to impose a surcharge for waste discharged into the sewerage system whose strength or character is so that the introduction of the waste into the sewerage system may cause additional costs to the system.
(Ord. 79-1, passed 1-8-1979)

§ 53.06 PROHIBITION ON DISCHARGE.

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

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

(C) 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 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works; and

(4) Solid or viscous substances in quantities or of the 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 and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(D) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that the wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to the 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 150°F (65°C);

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

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths 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 a degree that any material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for the materials;

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

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

(8) Any waters or wastes having a pH in excess of 9.0;

(9) Materials which exert or cause:

(a) Unusual concentrations of 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);

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

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

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(E) (1) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or posses the characteristics enumerated in division (D) above of this section, 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:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the

added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (J) below of this section.

(2) If the Superintendent permits the pretreatment or equalization of waste flows, and same has the approval of the Board of Public Works, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent and the approval of the Board of Public Works and subject to the requirements of all applicable codes, ordinances and laws.

(F) Grease, oil and sand interceptors shall be provided when, in the opinion of the Inspector and with the approval of the Board of Public Works they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and the approval of the Board of Public Works and shall be located as to be readily and easily accessible for cleaning and inspection.

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

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

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, or as established by state or federally regulatory agencies and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(J) No statement contained in this section shall be construed as preventing any special agreement or arrangement with the approval of Board of Public Works between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern.

(K) No person shall discharge any substance directly into a manhole or other opening in the sewage system other than through the approved building or house lateral sewer, except in accordance with the terms of this subchapter or by expressed permission of the Board.
(Prior Code, § 50.09) (Ord. 78-6, passed 5-15-1978)
Penalty, see § 53.99

§ 53.07 PROHIBITION OF DISCHARGE TO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.
(Ord. 79-1, passed 1-8-1979) Penalty, see § 53.99

§ 53.08 RIGHT TO PROHIBIT NEW CONNECTIONS.

The town shall have the right to prohibit new connections when the excess capacity of the sewerage system is deemed insufficient by the Board to accommodate the expected flow, B.O.D. and/or suspended solids loading from the prospective sewer user.
(Ord. 79-1, passed 1-8-1979)

§ 53.09 RIGHT TO REJECT WASTE.

The town shall have the right to reject waste and prohibit the introduction of rejected waste into the sewerage system, or the town may require pretreatment of the waste when the strength or character of the waste is so that it could cause damage to or interfere with the operation of the sewerage system.
(Ord. 79-1, passed 1-8-1979)

§ 53.10 TAMPERING.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Prior Code, § 50.10) (Ord. 78-6, passed 5-15-1978) Penalty, see § 53.99

§ 53.11 INSPECTION AND MONITORING.

(A) The Superintendent, Inspector and other duly authorized employees of the town or persons designated by the Board of Public Works and Safety of the City of Lafayette bearing proper credentials and identification shall be permitted upon notification to the user or responsible person in charge to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. The Superintendent or his or her representatives 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 division (A) above, the Superintendent or duly authorized employees of the town or persons authorized thereunder shall observe all safety rules applicable to the premises established by the user and the user shall be held harmless for injury or death to the town's employees and the town shall indemnify the user 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 user 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 § 53.06.

(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 purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Prior Code, § 50.11) (Ord. 78-6, passed 5-15-1978)

§ 53.12 MAJOR CONTRIBUTOR.

(A) All users shall provide the town with sufficient information to determine if they are major contributors. All users determined to be major contributors shall be required to obtain a permit that describes the wastewater constituents and characteristics allowed and sets forth the applicable surveillance schedule and the monitoring requirements they shall be subject to, in order to discharge to the sewerage system. A permit shall be valid for four years unless processing changes are made that, as determine by the town, alter the wastewater constituents and characteristics. In the event of a change, a new application shall be filed accordingly. A permit will be renewed without reapplication at the end of four years at the request of the user. No permit may be revoked, terminated or allowed to expire or lapse or not renewed at the request of the user by the town without 15-days' written notice. All surveillance and monitoring shall be at the cost of the user.

(B) Major contributor permits may not be sold, transferred, assigned and the like without the express written approval of the town.

(C) Nothing in a major contributor permit shall be construed as allowing an exception to the prohibitions and limitations on wastewater admissibility as set forth herein. Major contributors are subject to all applicable fees, rates and charges set forth in this subchapter.

(D) Major contributors shall make application for the proposed discharge on a form provided by the town. The permit application shall be supplemented by any plans, specifications, studies or other information considered pertinent by the town.
(Prior Code, § 50.12) (Ord. 78-6, passed 5-15-1978)

§ 53.13 PERSONS OUTSIDE OF TOWN.

No person shall directly or indirectly make any connections with or openings into the sewerage system or appurtenance owned or operated by the town, for the purpose of serving any areas outside the corporate boundaries of the town without first satisfying the following two requirements:

(A) The connection and service approved by special agreement or contract between any person and the town, the special agreement being ratified and confirmed by ordinance of the Town Council, consistent with all terms and purposes of this subchapter citing wastewater admissibility, major contributor permits and applicable fees, rates and charges; and

(B) All persons who are fee simple owners of all of the real estate to be serviced have executed a waiver of right to object to annexation, which waiver shall be acknowledged and recorded and shall run with the land and be binding upon the owners' successors in interest, which waiver shall read substantially as follows.

STATE OF INDIANA
TIPPECANOE COUNTY

AGREEMENT FOR SEWERAGE SERVICE AND WAIVER OF RIGHT TO OBJECT TO ANNEXATION

To the Town of Dayton:

In consideration of

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the

Town

of

Dayton,

Indiana,

permitting

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connect

at

their

request

to

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sewerage

system and for other good and valuable consideration, the undersigned being all of the free simple owners

of all the real estate to be serviced, hereby waive all rights to object to annexation or resist any process

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(here insert legal description)

This waiver shall run with the land and shall be binding upon the heirs, administrators, devisees, assigns or successors in interest.

Dated this _____ day of _____, 20__.

(Prior Code, § 50.13) (Ord. 78-6, passed 5-15-1978) Penalty, see § 53.99

§ 53.14 VIOLATIONS.

(A) (1) As soon as known, users shall notify the town upon accidentally discharging wastewater in violation of subchapter to enable countermeasures to be taken by the town to minimize damage to the sewerage system, wastewater treatment plant, treatment processes and the receiving stream.

(2) This notification shall be followed within seven days of the date of occurrence by a detailed written report describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.

(3) The notification will not relieve users of liability for any expense, loss or damage to the sewerage system, wastewater treatment plant or treatment process or any fines imposed by the town.

(B) When the town finds that any person has violated any provisions of this subchapter or the provisions of a major contributor permit except § 53.10, the town may require the user to submit for approval a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

(C) When the town finds that any person has violated any provision of this subchapter, or the provisions of a major contributor permit, the town may issue an order to cease and desist and direct that the user not complying with the provisions:

(1) Comply forthwith;

(2) Comply in accordance with a time schedule set forth by the town; or

(3) Take appropriate remedial or preventive action in the event of a threatened violation.

(D) When the town finds that a discharge of wastewater is in violation of the admissibility requirements of this subchapter or the provisions of a major contributor permit, or otherwise causes or threatens to cause a condition of pollution or nuisance, the town may petition the court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of a discharge.

(E) The town may revoke after 15-days' notice any major contributor permit or terminate or cause to be terminated wastewater service if a violation of any provision of this subchapter or the major contributor permit is found to exist or if a discharge causes or threatens to cause a condition of pollution or nuisance as defined in this subchapter or causes the town to violate the terms of any governmental permit issued to the town or any contract entered into by the town and any other municipality. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment.

(F) Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the town or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations shall be considered in violation of this subchapter.

(G) Any person violating any of the provisions of this subchapter shall become liable to the town for any expense, loss or damage occasioned the town by reason of the violation.
(Prior Code, § 50.14) (Ord. 78-6, passed 5-15-1978) Penalty, see § 53.99

SEWER CHARGES

§ 53.25 DEFINITIONS.

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

BIOCHEMICAL OXYGEN DEMAND (OR B.O.D.) OF SEWAGE, SEWAGE EFFLUENT, POLLUTED WATERS OR INDUSTRIAL WASTES. The quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20°C. The laboratory determinations shall be made in accordance with procedures set forth in *Standard Methods*.

CHEMICAL OXYGEN DEMAND (OR COD) OF SEWAGE, SEWAGE EFFLUENT, POLLUTED WATERS OR INDUSTRIAL WASTES. A measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in S*tandard Methods*.

EQUIPMENT. All movable, non-fixed items necessary to the wastewater treatment process.

INDUSTRIAL WASTES. Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person as defined in this section, and shall further mean any waste from an industrial user as defined in this section.

OPERATION AND MAINTENANCE EXPENSES. All annual expenses related directly to operating and maintaining the sewage works as identified in *Uniform System of Accounts for Wastewater Utilities* or as prescribed by the State Board of Accounts under general headings, Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance and Taxes.

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

REAL PROPERTY. All nonmovable fixed in place items such as structures and buildings, housing equipment or otherwise used in the wastewater treatment plant process.

REPLACEMENT. Expenditures for procuring and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage works to maintain its designed capacity and performance.

SANITARY SEWAGE. Sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from stormwater, surface water and industrial wastes.

SERVICE LIFE. The period of time during which a component of a wastewater sewage works will be capable of performing a function and the maximum life components constructed under EPA Project No. C180621-03 are hereby set as follows.

Real property	50 years commencing from 9-1-1979
Process equipment	30 years commencing from 9-1-1979
Auxiliary equipment	15 years commencing from 9-1-1979

SEWAGE. The water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with the ground surface and stormwaters as may be present.

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

SEWER CHARGES. Comprised of the user charge and a separate amount for debt service and user charges shall mean a system of charges levied on users of a treatment works for the cost of operation and maintenance (including replacement) of the works. In addition, each user shall pay an amount sufficient to pay principal and interest (debt service) on any revenue bonds, payable from the revenues of the sewage works, proportional to the equipment and real property necessary for wastewater treatment for each user. The method of computing the initial user charge and debt service charge is contained in a report prepared by McCullough & Associates, Public Accountants, Indianapolis, Indiana, and is incorporated as a part hereof. Prior to May 1 of each year, the Clerk-Treasurer shall prepare and present to the Town Council an accounting of operation and maintenance expenses, replacement costs and debt service for the immediately preceding calendar year, and the Town Council shall, upon receiving the accounting, effect any change in the monthly sewer charges necessary to produce revenue proportionate to cost for each user.

SEWERAGE SYSTEM. The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the wastewater treatment plant.

SHALL. Is mandatory; ***MAY*** is permissable.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record 40 C.F.R. part 136.

STRENGTH-OF-WASTES SURCHARGE. The extra charges for sewerage service assessed users whose sewage is of a nature that it imposes upon the sewage works a burden greater than that covered by the basic user charge.

SURCHARGE. A charge for sewerage services in addition to the basic service charge.

SUSPENDED SOLIDS. Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory alteration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in *Standard Methods*.

TOWN. The Town of Dayton, Indiana, or any duly authorized officials acting in its behalf.

USER CLASSES. Each recipient of municipal wastewater treatment services shall be either in the industrial class or the nonindustrial class (including domestic, commercial, institutional and governmental).

(1) The ***INDUSTRIAL CLASS*** shall include any user determined by the Town Council to be discharging waste resulting from any industrial or manufacturing process; from the development, recovery or processing of any natural resource or from any other process of operation which produces waste of a strength greater than sanitary waste.

(2) The ***NONINDUSTRIAL CLASS*** shall include all domestic and governmental users and those industrial, commercial and institutional users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity as determined by the Town Council.

WASTEWATER TREATMENT PLANT. The wastewater treatment facilities of the Lafayette Municipal Sewage Works.

(Prior Code, § 51.01) (Ord. 78-7, passed 5-15-1978; Ord. 79-2, passed 1-8-1979)

§ 53.26 SEWER CHARGES BASED ON WATER USAGE.

The Town Council may require a user to install and maintain at his or her own expense an approved device to measure directly the volume of wastes discharged to the sewage system if these volumes cannot otherwise be determined. The town shall inspect and approve the installations and no service, once installed, shall be removed without the town's approval.
(Prior Code, § 51.02) (Ord. 78-7, passed 5-15-1978)

§ 53.27 SEWER CHARGES.

(A) *User classes.* Each recipient of municipal wastewater treatment services shall be either a residential user class or nonresidential user class. ***RESIDENTIAL USERS*** shall mean any recipient of municipal wastewater treatment services whose lot, parcel or real estate or building is used for domestic dwelling purposes only. ***NONRESIDENTIAL USERS*** shall mean all other users of municipal wastewater treatment services.

(B) *Sewer charges and rates.* Sewer charges are as follows.

(1) *Residential.*

(a) Zero to 3,000 gallons, $25.76 per month.

(b) Each additional 1,000 gallons or any part thereof shall be charged at the rate of $8.32 per 1,000 gallons.

(2) *Nonresidential user.*

(a) Zero to 3,000 gallons, $27.55 per month.

(b) Each additional 1,000 gallons or any part thereof shall be charged at the rate of $8.92 per 1,000 gallons.

(3) *Nonmetered user.*

(a) The minimal monthly sewer charge for any nonmetered residential user shall be $59.06. The minimum monthly sewer charge for any nonmetered nonresidential user will be determined by the Town Council.

(b) The user charges and debt service charges set forth in this section shall become effective upon the connection of the user to the sewerage system.

(C) *Computation of surcharge.* For those users whose wastewater has a greater strength that normal domestic usage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

(1) $0.11 per pound B.O.D. in excess of 250 mg/l;

(2) $0.11 per pound suspended solids in excess of 250 mg/l; and

(3) $0.55 per pound ammonia in excess of 40 mg/l.
(Prior Code, §§ 51.03, 51.04) (Ord. 78-7, passed 5-15-1978; Ord. 82-1, passed 1-4-1982; Ord. 95-5, passed 7-24-1995; Ord. 01-13, passed 12-3-2001; Ord. 05-11, passed 8-1-2005; Ord. 06-10, passed 12-4-2006; Ord. 11-2012, passed 12-27-2012)

§ 53.28 INTERIM SEWER CHARGES.

(A) *Collection.* Interim sewer charges shall be collected from the owners of each and every lot, parcel of real estate or building that is or could be connected to the town's sewerage system which sewer charges shall be payable monthly until the construction of the sewerage system is completed or the user is connected to the sewerage system.

(B) *Interim sewer charges.* Each user shall pay a monthly sewer charge based on an equivalent sewer charge factor of one. The interim monthly equivalent

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sewer charge for a single-family residential user is hereby fixed and established at $0.82 for the user charge and $3.75 for the debt service charge or a total monthly interim sewer charge of $4.57. The interim monthly charge shall be based upon type of occupancy, as set forth in § 53.27(B).
(Prior Code, §§ 51.05, 51.06) (Ord. 78-7, passed 5-15-1978)

§ 53.29 STRENGTH OF WASTE SURCHARGE.

(A) *Liability of surcharge.* Each industrial or nonindustrial user who discharges wastes into the sewerage system shall be subject to a surcharge, in addition to the regular sewer charges, based on both the biochemical oxygen demand (or on the chemical oxygen demand where B.O.D. cannot be determined) and the suspended solids content of the wastes, if these wastes have a concentration greater than the following:

(1) A biochemical oxygen demand of 250 milligrams per liter; or where B.O.D. cannot be determined, then, in lieu of B.O.D., a chemical oxygen demand of 500 milligrams per liter; and

(2) A suspended solids content of 250 milligrams per liter.

(B) *Computation of surcharge.* The surcharge shall be determined as follows.

(1) The excess pounds of B.O.D. (or COD) and of suspended solids will each be computed by first multiplying the customer's billing sewage volume measured in units of 1,000 gallons for the current billing period by the factor 0.00834 and then multiplying this product by the difference between:

(a) The concentrations measured in milligrams per liter of the B.O.D. (or COD) and of the suspended solids respectively in the customer's sewage; and

(b) The allowed concentrations set out in § 53.05.

(2) The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in division (C) below.

(C) *Rates of surcharge.* The rate of surcharge for each of the aforementioned constituents shall be the same as that charged by the Lafayette, Indiana Municipal Sewage Works.

(D) *Revision of rates of surcharge.* The rates of surcharge shall be revised to remain the same as those charged by the Lafayette Municipal Sewage Works. The revision shall take effect simultaneously with the revised rates of surcharge of the Lafayette Municipal Sewage Works without amendment to this subchapter.
(Prior Code, § 51.07) (Ord. 78-7, passed 5-15-1978; Ord. 79-2, passed 1-8-1979)

§ 53.30 BILLING OF SERVICE CHARGES.

(A) *Billing period.* Sewer charges for sewerage service shall be prepared and billed by the town and shall be due and payable as determined by the Town Council.

(B) *Liability for payment.* The sewer charges for sewerage service shall be billed to the property owner unless, by contract with the town, another person assumes the responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. The owner shall have the right to examine the town's collection records to ascertain whether the charges have been paid.

(C) *First billings.* The sewer charges and surcharges fixed in this subchapter shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing month, then the sewer charges for the billing shall be made in keeping with standard practice as established by the Town Council. Subsequent sewerage service billings shall be for periods

coinciding with the billing periods established by the Town Council. If the sewer charges and/or surcharges are changed, the first billing after the change may also be for a period other than a full billing month.
(Prior Code, § 51.08) (Ord. 78-7, passed 5-15-1978)

§ 53.31 DELINQUENT ACCOUNTS; HOW DELINQUENCIES ARISE.

Charges for sewerage service levied pursuant to this subchapter shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent. The delinquent charge together with any applied penalty shall be collectible as set forth in § 53.99.
(Prior Code, § 51.09) (Ord. 78-7, passed 5-15-1978)
Penalty, see § 53.99

§ 53.32 CONNECTION FEE.

(A) *Connection fee.* Any user connecting to the sanitary sewer more than 90 days subsequent to completion of construction of the sewage works shall pay a connection or tap-on fee in the amount of $300 permit fee of $25 per residential unit or $150 for each commercial unit.

(B) *Implementation of industrial cost recovery.* In the event that any industrial user begins to discharge the equivalent of 25,000 gallons per day of sanitary wastes or begins to discharge waste containing any pollutants which:

(1) Interfere with treatment works processes;

(2) Are incompatible; or

(3) Contaminate or reduce the utility of the sludge of the treatment works, then the town shall develop and implement an industrial cost recovery ordinance to be effective over the remaining cost recovery period, hereby set at 30 years commencing one year after the final project inspection and approval by E.P.A.
(Prior Code, § 51.10) (Ord. 78-7, passed 5-15-1978; Ord. 79-2, passed 1-8-1979; Ord. 96-12, passed 12-9-1996)

§ 53.33 BY-LAWS, RULES AND REGULATIONS.

The Town Council shall, in accordance with the statutes of the state, make and enforce whatever by-laws, rules and regulations it may deem necessary for the safe, economical and efficient management of the town's sewage works, for the regulation, collection and refunding of the user charges for sewerage service and, in general, for the implementation of the provisions of this subchapter.
(Prior Code, § 51.11) (Ord. 78-7, passed 5-15-1978)

§ 53.34 COMPLIANCE WITH WASTEWATER AND SANITARY SEWER STANDARDS.

(A) The town shall enforce the discharge standards established pursuant to City of Lafayette Municipal Code Title 6 which are incorporated by reference herein.

(B) The City of Lafayette shall be permitted upon providing sufficient notice to the town to inspect the sanitary sewer facilities within the town to ensure compliance.

(C) Should the City of Lafayette find the lack of compliance with the standards, the town shall take those steps necessary and reasonable to correct the deficiencies.

(D) Should the town fail to act in accordance with division (C) above, the City of Lafayette may enforce compliance pursuant to City of Lafayette Municipal Code Title 6.
(Ord. 05-14, passed 12-5-2005)

§ 53.35 CREDIT ON SEWAGE FOR NEW HOMES.

(A) For the first summer of the occupancy of a newly constructed home, the occupants may petition the Town Council for sewage credit for the months of June, July and August as a result of increased water costs for the watering of lawns only.

(B) No other sewage credits shall be granted.
(Ord. 05-13, passed 11-7-2005)

§ 53.36 LIABILITY FOR COSTS; INDEMNIFICATION OF TOWN.

All costs and expenses incident to the installation and connection of the building or house lateral sewer shall be the responsibility of the person who owns the premises. The person shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building or house lateral sewer.
(Ord. 05-10, passed 8-1-2005)

§ 53.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Sewers.* The commission of any act prohibited by §§ 53.01 through 53.14, by a major contributor permit, or by lawful order of the Superintendent or Inspector, or by lawful order or regulation of the Board, or the failure to perform without lawful order of the Superintendent or the Inspector, or without lawful order or regulation of the Board shall be a punishable violation of §§ 53.01 through 53.14, for which, unless there is another specific penalty provided, the penalty shall be a fine of not less than $10 nor more than $100 to which may be added, in the case of wilful act or omission, imprisonment not exceeding six months. In the case of discharge into the sewage system in violation of §§ 53.01 through 53.14 or major contributors permit, each day of violation constitutes a separate offense.
(Prior Code, § 50.14)

(C) *Sewer charges; delinquent accounts.*

(1) *Collection through the tax duplicate.* As provided by the statutes of the state, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and to the Recorder of the county. In this case, the delinquent service charges, together with the mandatory penalty of 10%, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

(2) *Collection through court actions.* In addition to the foregoing remedies, the town shall have the right to bring a civil action to recover any delinquent charges together with a penalty of 10% and reasonable attorney's fee. It shall also have the right, as provided by the statutes of the state, to foreclose any lien established under the provisions of § 53.30(B), with recovery of the charge, a penalty of 10% and reasonable attorney's fee.
(Ord. 78-6, passed 5-15-1978; Ord. 78-7, passed 5-15-1978)

CHAPTER 54: STORMWATER MANAGEMENT

Section

54.01 Purpose; intent
54.02 Definitions
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§ 54.01 PURPOSE; INTENT.

The purpose and intent of this chapter is to promote the health, safety and general welfare of the inhabitants of the Town of Dayton, Indiana by establishing a stormwater utility sufficient to plan, control, operate and maintain the town's stormwater management system.
(Ord. 05-02, passed 3-7-2005;Ord. 2011-2, passed 2-7-2011)

§ 54.02 DEFINITIONS.

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

APPROVED PLANS. Plans approved by the authorized official according to a permit and plan review which will govern all improvements made within the town that require a stormwater system or changes or alterations to the existing stormwater system.

AUTHORIZED OFFICIAL. Any employee or agent of the town authorized in writing by the Board to administer or enforce the provisions of this chapter.

BOARD. The Town Council acting as the Board of Public Works and Safety pursuant to I.C. 36-1-2-24.

CLASSIFICATION PROCEDURE. The method that the town uses to determine classification of non-residential parcels may take the following forms or any combination thereof:

(1) Computation of the parcel size, pavement area, roof area, or other area using on-site measurements of the apparent outside boundaries of the parcel or impervious area in or on such developed parcel, respectively, made by the town or on its behalf.

(2) Computation of the parcel size, pavement area, roof area, or other area using the dimensions of the parcel or impervious area in or on the parcels which are set forth and contained in the records of the office of the County Assessor or Township Assessor.

(3) Computation of the parcel size, pavement area, roof area, or other area using aerial photography or photogrammetry, or using the information data from on-site measurements of like or similar property or features or as contained in the records of the town or county.

(4) Computation of parcel size, pavement area, roof area, or other area using data provided by the owner, tenant or developer. The authorized

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official may require additional information as necessary to make the determination.

CODE. The Town of Dayton, Indiana Municipal Code.

COMPOSITE COVERAGE VALUE. The result of the calculations as determined by the town that multiplies pavement area times 0.90, roof area time 1.00, and other areas times 0.20 and then divides the sum of three by the total area of a particular parcel. Pavement areas include aggregate, asphalt, brick, concrete, and the like that may be used for pedestrian or vehicular traffic. Roof area include any above ground structure. Other areas include lawns, open water, woods, and the like.

COVERAGE FACTOR. That part of the non-residential rate equation representing the relative amount of impervious area on a particular parcel. For purposes of this chapter, each non-residential parcel shall be assigned one of the following ***COVERAGE FACTOR*** categories as determined by the town in accordance with the classification procedure:

(1) ***HIGH.*** The composite coverage value is more than 0.5. ***HIGH COVERAGE FACTOR*** is hereby established as 3.0.

(2) ***LOW.*** The composite coverage value is equal to or less than 0.5. ***LOW COVERAGE FACTOR*** is hereby established as 2.0.

NON-DEVELOPED PROPERTY. A lot or parcel of land which is vacant or is used for agricultural purposes. This does not include parking lots, athletic fields, front, back or side lawns, or lots which are used as accessory lots to residential property or non-residential property.

NON-RESIDENTIAL PROPERTY. All properties not encompassed within the definition of ***RESIDENTIAL PROPERTY***, including but not limited to: commercial, industrial, retail, multi-family residential (three or more dwelling units), governmental, institutional, schools, and churches.

RESIDENTIAL PROPERTY. Any lot or parcel existing in the town on which as ingle building or mobile home is situation, containing up to and including two dwelling units. Two dwelling units or duplexes will be charged per unit.

SIZE FACTOR. The part of the non-residential rate equation representing the relative amount of surface area on a particular parcel. All surface area calculations shall be rounded to the nearest one-tenth of one acre. For purposes of this chapter, each non-residential parcel shall be assigned one of the following ***SIZE FACTOR*** categories as determined by the town:

(1) ***SMALL.*** A particular parcel is made up of equal to less than 1.0 acres. ***SMALL SIZE FACTOR*** is hereby established as 1.0.

(2) ***MEDIUM.*** A particular parcel is made up of more than 1.0 acres but less than 5.0 acres. ***MEDIUM SIZE FACTOR*** is hereby established as 3.0.

(3) ***LARGE.*** A particular parcel is made of more than 5.0 acres. ***LARGE SIZE FACTOR*** is hereby established as 5.5.

STORMWATER. The chemical compound of hydrogen and oxygen which is produced from atmospheric clouds as rain, snow, sleet and hail.

STORMWATER SYSTEM. All constructed facilities, including structures and natural watercourses under the ownership, and/or control of the town, used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, streets, culverts, retention or detention basins and pumping stations; and excluding therefore, any part of the system of drains and watercourses under the jurisdiction of the Tippecanoe County Drainage Board or waters of the State of Indiana.

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STORMWATER UTILITY.: A division of the sewage works as defined in I.C. 36-9-1-8(8) and (12).

STORM UTILITY USER. The owner of a lot or parcel within the town.

SURFACE WATER. Water occurring on the surface of the land, from natural causes such as rainfall, whether falling on the land in question or flowing onto the land in question.

TOWN. The incorporated Town of Dayton, Tippecanoe County, Indiana.
(Ord. 2011-2, passed 2-7-2011)

§ 54.03 CREATION OF STORMWATER UTILITY.

A Stormwater Utility is hereby created as part of the Dayton Service Utility Board. The Utility shall be responsible for all storm sewers and the collection and disposal of storm drainage. The Utility shall also be responsible for the implementation of all federal and state mandates regarding stormwater drainage and erosion control.
(Ord. 2011-2, passed 2-7-2011)

§ 54.04 GOVERNING BOARD; AREA SERVED; POWERS AND DUTIES.

(A) *Governing board.* The Utility shall be governed by the Town Council acting as the Board of Public Works and Safety. This Utility shall have the same governing board as that which governs the Dayton Service Utility Board established in Chapter 52 of the Dayton Town Code.

(B) *Area served by Stormwater Utility.* The corporate limits of the Town of Dayton, Indiana, and all others who are served by the sewage works of the Town of Dayton, Indiana.

(C) *Powers and duties of Utility.* The Town Council acting as the Board of Public Works and Safety shall have all those powers and duties provided by such boards by Title 36 of the Indiana Code and more specifically but not limited to the following:

(1) The power to enter into contracts.

(2) The power to employ professionals.

(3) The power to construct, maintain, and improve the stormwater utility structures.

(4) The power to make plans and ordinances regarding the collection and disposal of stormwater within the town.

(5) The power to pass ordinances as provided for by I.C. Title 36 which impose just, reasonable and equitable fees or service charges for those who utilize the stormwater system and penalties to those who violate provisions of ordinances established for stormwater control and drainage.
(Ord. 2011-2, passed 2-7-2011)

§ 54.05 CREATION OF NON-REVERTING STORMWATER UTILITY CUMULATIVE FUND.

(A) A Non-reverting Stormwater Utility Cumulative Fund is hereby created. All proceeds received as a result of user fees and charges or penalties assessed by this chapter or subsequent amendments hereto shall be deposited in a Non-reverting Cumulative Stormwater Utility Fund. Proceeds from this Non-reverting Fund shall be for the exclusive use of the town's Stormwater Utility which includes, but is not limited to, the following:

(1) Stormwater management services, such as studies, design, permit review, plan preparation and development review.

(2) Operation, maintenance, repair and replacement of the stormwater collection, storage, conveyance, and/or treatment infrastructure.

(3) Project costs related to constructing major or minor structural improvements to the town's stormwater-related infrastructure.

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(4) Administrative costs associated with the management of the stormwater utility user fee.

(5) Debt service financing of the town's stormwater-related capital improvements.

(6) Funding of studies such as water quantity and quality monitoring, aerial photography, and geotechnical work associated with the planning of the stormwater-related infrastructure.

(B) This would include but be not limited to the implementation of long range stormwater plans developed and approved by the Indiana Department of Environmental Management for elimination of combined sewer overflows and the construction of stormwater drains and sewers and maintain same within the town limits and the area served by the sewage works. All such expenditures for both capital and operating expenses must be first approved by the Town Council.
(Ord. 2011-2, passed 2-7-2011)

§ 54.06 STORMWATER UTILITY USER FEE.

A stormwater utility user fee shall be imposed on each and every lot or parcel of the real property within the Town of Dayton, Indiana including those classified as non-profit or tax exempt, for services and facilities provided by the Stormwater Utility. This user fee is deemed reasonable and necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system of the Town of Dayton, Indiana.
(Ord. 2011-2, passed 2-7-2011)

§ 54.07 STORMWATER UTILITY USER FEE STRUCTURE.

For the purposes stated herein, there is hereby assessed a stormwater utility user fee to each stormwater utility user within the corporate limits of the Town of Dayton, Tippecanoe County, Indiana, in an amount as determined below. For purposes of imposing the stormwater utility user fee, all lots and parcels within the town are classified as either:

(A) Residential;

(B) Non-residential;

(C) Non-developed property.
(Ord. 2011-2, passed 2-7-2011)

§ 54.08 SCHEDULE OF RATES.

(A) The monthly stormwater utility user fee for all developed residential properties within the town shall be $5. Duplexes shall be two times $5. The Common Council, from time to time, by ordinance may amend the monthly charge established in this division (A).

(B) The monthly stormwater utility user fee for all developed non-residential properties within the town shall be coverage factor times size factor times $5. The Common Council, from time to time, by ordinance may amend the monthly charge established in this division (B).

(C) Upon the town's completion of the classification procedure, the monthly stormwater utility user fee imposed for non-developed properties as defined herein shall be 0.25 times the low coverage factor times the size factor times $5 that is being equal to 25% of the low coverage non-residential size classification.
(Ord. 2011-2, passed 2-7-2011)

§ 54.09 BILLING AND PAYMENT; PENALTIES.

(A) Bills or statements for the stormwater utility user fee shall be rendered monthly, in accordance with the regular sewage utility billing cycle, by the utility billing division of the town for all properties subject to the fee. Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth for the Sewer Utility. Any partial payment of

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a combined utility bill shall be applied first to the stormwater utility user fee. Any unpaid stormwater utility user fees shall constitute a lien on such property except the liens of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such lien, when delinquent for more than 30 days, may be foreclosed by the town in the manner provided by the laws of Indiana for the foreclosure of mortgagees on real property.

(B) For properties normally receiving monthly utility bills for other town services, the stormwater utility user fee shall be included in the monthly sewage utility bill rendered to the established customer.

(C) For properties not receiving monthly utility bills for other town services, the bill or statement for the stormwater utility user fee shall be sent to the stormwater utility user as determined from the tax rolls. The Director may render annual, semiannual, or monthly billings, to be billed in arrears, to coincide with the property tax schedule, on such properties if determined to be the best interest of the town.

(D) The owner of a property is ultimately responsible for all fees imposed under this chapter. (Ord. 2011-2, passed 2-7-2011)