

## **Ordinance No. 2017-03**

### **ORDINANCE TO REPEAL AND REPLACE SECTION 50.2 OF CHAPTER 50: GENERAL PROVISIONS, AND REPEAL AND REPLACE CHAPTER 51: SEWERS, OF THE TOWN OF CLEAR LAKE CODE OF ORDINANCES**

**WHEREAS**, the Town Council of the Town of Clear Lake (the, “Town”), State of Indiana, is the legislative body of the Town; and,

**WHEREAS**, the Town Council desires to repeal and replace Section 50.2 of Title V, Section 50 of the Clear Lake Code to update and align it with changes to the new Chapter 51, Sewers which this ordinance also addresses; and,

**WHEREAS**, the Town Council desires to repeal and replace Section 51: Sewers, of Title V of the Clear Lake Code with a new Section 51.

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council of the Town of Clear Lake, Indiana, that:

- (1) Section 50.2 of Title V, Chapter 50, of the Clear Lake Code is hereby repealed and replaced with a new Section 50.2: Privately Owned Generators, which is attached hereto as Exhibit “A” and incorporated herein by reference; and
- (2) Chapter 51, Title V of the Clear Lake Code of Ordinances is hereby repealed and replaced with the new Chapter 51: Sewers, and Appendices thereto, all of which is attached hereto as Exhibit “B” and incorporated herein by reference; and,
- (3) The repeal and replacement of above-referenced code section or chapter does not affect any punishment or penalty incurred before the effective date of the repeal, nor does such repeal or replacement affect any suit, prosecution, appeal, or proceeding pending at the time of the repeal or replacement.
- (4) This Ordinance shall be in full force and effect from and after its passage and compliance with procedures required by law.

**PASSED AND ADOPTED** by the Town Council of the Town of Clear Lake, Indiana, this 11th day of September, 2017.

**TOWN OF CLEAR LAKE, INDIANA**

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Christopher Folland, Member

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Roger Dammeier, *Member*

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Bruce Spangler, *Member*

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Anita Thiel, *Member*

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Jill Powers, *Member*

ATTEST:

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Kay Kummer, Clerk-Treasurer

## **CHAPTER 50: GENERAL PROVISIONS**

### **50.1. RESERVED.**

### **50.2. PRIVATELY OWNED GENERATORS.**

- A. Backup generators may be utilized by private property owners to assure electricity in case of a general electrical power outage.
- B. Backup generators may be utilized to provide electricity to grinder pumps owned by the Town's Wastewater Utility.
- C. All electrical hook-ups to the Town's sewer system from privately owned generators shall be completed consistent with specifications, operating procedures, and permit conditions provided by the Town.
- D. Only registered electricians approved by the Town may connect the privately owned generator to the Town's Wastewater Utility.
- E. Private property owners shall be required to obtain a generator permit from the Town for the fees identified in *Appendix B: Wastewater Fee Schedule*.
- F. All generator hook-ups to the Town's Wastewater Utility shall be inspected and approved by a representative and/or agent of the Town, before any utilization of the privately owned generator.
- G. Any private property owner wanting to connect a privately owned generator into the Town's Wastewater Utility shall execute a release set forth in the Clear Lake Wastewater Utility Standards and Specifications at the time of obtaining the necessary permits.

# CHAPTER 51: SEWERS

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APPENDIX A – WASTEWATER RATES AND CHARGES

APPENDIX B – WASTEWATER FEE SCHEDULE

## PURPOSE

### 51.10 PURPOSE

The purpose of this ordinance is to regulate the installation and use of wastewater collection and treatment systems in the Town of Clear Lake as well as to establish rates and fees for use of the public wastewater system.

## SEWER RATES

### 51.20 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows.

**AMMONIA** or **NH<sub>3</sub>-N**. Shall have the same meaning as defined in the Sewer Use Ordinance.

**BOD** or **BIOCHEMICAL OXYGEN DEMAND**. Shall have the same meaning as defined in the Sewer Use Ordinance.

**CBOD** or **CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND**. Shall have the same meaning as defined in the Sewer Use Ordinance.

**COD** or **CHEMICAL OXYGEN DEMAND**. Shall have the same meaning as defined in the Sewer Use Ordinance.

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

**DWELLING UNIT**. Shall be interpreted as a room or rooms with plumbing facilities.

**GUEST COTTAGE**. A structure that contains a dwelling unit, and the structure is located on a lot that also contains a single-family residence, but the structure does not share a common wall with the single-family residence.

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

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

**OPERATION AND MAINTENANCE COST**. Includes all costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state, and local requirements. Includes all expenses related directly to the operating and maintaining including replacement of the sewage works as identified in the *Uniform System of Accounts for Wastewater Utilities* or as prescribed by the Indiana State Board of Accounts under the general headings, plant operation and maintenance, sewer operation and maintenance, customer accounts, administrative and general, insurance and taxes.

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

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

**PHOSPHORUS**. Shall have the same meaning as defined in the Sewer Use Ordinance.

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

**S.S. or SUSPENDED SOLIDS.** Shall have the same meaning as defined in the Sewer Use Ordinance.

**SEWAGE.** Shall have the same meaning as defined in the Sewer Use Ordinance.

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

**SHALL.** Is mandatory.

**MAY.** Is permissive.

**TOWN.** The Town of Clear Lake acting by and through the Town Council.

**TOWN COUNCIL.** The Town Council of the Town of Clear Lake, or any duly authorized officials acting on its behalf.

**USER CHARGE.** A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including) replacement of the works.

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

1. **CLASS I - RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units and the like.
2. **CLASS II - COMMERCIAL USER.** Any establishment involved in a commercial enterprise, business, or service which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
3. **CLASS III - INDUSTRIAL USER.** Any establishment involved in an industrial enterprise, business, or service which, based on a determination by the Town, discharges industrial waste.

#### **51.21 USER CHARGES ESTABLISHED.**

- A. Every person whose premises are served by the wastewater utility shall be charged for the service provided. Charges shall be established for each user class, as defined, in order that the wastewater utility shall recover, for each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance of the treatment works. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the wastewater utility equipment.
- B. User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140).
- C. User charges shall be uniform in magnitude within a user class. The various classes of users of the wastewater utility for the purpose of this subchapter shall be as follows:
  1. Class I: Residential
  2. Class II: Commercial
  3. Class III: Industrial.

- D. All revenues derived from the operation of the Wastewater Utility and from the collection of wastewater rates and charges shall be deposited in accordance with the bond ordinance.
- E. The Town of Fremont currently provides wastewater treatment for the Clear Lake Wastewater Utility at rates which are periodically adjusted by the Town of Fremont to the Town of Clear Lake Wastewater Utility and other customers. Public electric utilities provide electric service for the Clear Lake Wastewater Utility grinder pump stations. To provide for coverage of costs and increases in rates charged by the Town of Fremont and public electric utilities, the rates and charges established by this Ordinance may automatically be adjusted to address the periodic adjustments occasioned by those changes, and the adjustment shall be a pass through and automatic rate adjustment to the customers of the Wastewater Utility. The timing of these automatic rate increases is at the discretion of the Town Council. The 2017 total monthly sewer charge from Fremont for wastewater treatment is \$9.10 per 1,000 gallons, which is the base rate against which future adjustments to the rates herein established shall be passed through to the customers of the Wastewater Utility. The 2017 rate for grinder electrical service from NIPSCO is \$2.97 per month.

#### **51.22 CHARGES.**

- A. For the use of the service rendered by the wastewater utility, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the Town sanitary sewer system or otherwise discharges wastewater, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewer system of the Town.
- B. The rates and charges include user charges, debt service costs, and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows and as established in *Appendix A: Wastewater Rates and Charges*.
  - 1. *Equivalent Factor:* The Town shall use a single-family dwelling unit as the basis for measuring wastewater discharge. The volume of wastewater discharged by a single-family dwelling unit shall be considered the “equivalent factor” used to determine the discharge for different uses. The Equivalent Factor for different uses shall be as identified in *Appendix A: Wastewater Rates and Charges*.
  - 2. *Annual Reporting:* Each year, the Town shall require employment, membership, and/or wash bay data from Class II and Class III users. The monthly rates and charges provided herein shall be applied throughout the year based upon the maximum wastewater service required in any month in any calendar year. For example, the user charges based upon employment shall be applied throughout the year based upon the maximum employment of the user for the single maximum employment month, and the maximum usage shall be applied throughout the year.
  - 3. *Metering:* The Town may require a user to install and maintain, at the user’s expense, an approved device to measure the volume of waste discharged to the wastewater system if those volumes cannot otherwise be determined. The Town shall inspect, approve, and monitor such installations.
  - 4. *Electrical:* The electrical charges established in *Appendix A: Wastewater Rates and Charges* shall be waived for users without direct electric utility electrical service to grinder pump station installations.
  - 5. *New Construction:* Full monthly sewer charges on new structures that were not previously connected to the public sanitary sewer, shall begin on the first day of the month following receipt of the Certificate of Occupancy from the Steuben County Building Commission.
  - 6. *Occupancy:* The charges identified in *Appendix A: Wastewater Rates and Charges* shall be applied



throughout the year regardless if a structure is occupied.

- C. Beginning January 1, 2020, or upon sale or transfer of the real estate, whichever shall first occur, the fifty percent (50%) sewer charge for a second sewer connection for those customers who have paid a full rate for a first connection but have previously received a rate reduction for a second connection shall terminate. Thereafter each connection shall be charged the full prevailing rate for each connection.

### **51.23 BILLING AND COLLECTION.**

- A. The rates and charges shall be prepared, assessed, and collected by the Town in the manner provided by law and ordinance.
- B. *Automatic Payments:* The Town encourages users to set up automatic (ACH) payments where funds are automatically transferred from the user's bank to the Wastewater Utility. Users of the automatic payment system shall notify the Wastewater Utility thirty (30) days in advance of any changes to their banking information.
- C. *Coupon Books:* The Town shall mail a coupon book to each Class I Residential user not participating in automatic (ACH) payments every year. Monthly bills will not be sent. "Generic" coupon books, without specific account information, may be offered to new users that begin service after coupon books have been distributed for the one year period. Class II and Class III users coupon books shall be mailed each year after annual employment, membership, and/or wash bay reports are provided to the Town.
- D. Rentals and Tenants
  - 1. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but the billing shall in no way relieve the owner from the liability in the event payment is not made as herein required.
  - 2. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by the tenant or tenants, provided that the examination shall be made at the office at which the records are kept and during the hours that the office is open for business.
- E. *Due Date:* All rates and charges are due on the 1st day of each month.
- F. *Delinquency:* All rates and charges not paid by the 15th day of the month shall be declared delinquent and a penalty of 10% of the amount of the current monthly bill shall be added to the account. First notice for delinquent accounts shall be sent to users that are 31-60 days in arrears. A second notice will be sent to users that are 61-90 days in arrears, and a final notice will be sent to users that are 91 days or more in arrears. After final notice has been mailed and a period of fifteen (15) days has elapsed with no payment submitted, a lien shall be placed on the property. Any payment made on a delinquent account shall be applied to the penalties first.
- G. *Insufficient Funds:* Automatic (ACH) payments with insufficient funds and checks returned for insufficient funds shall be subject to the monthly late fee of 10% plus the current rate charged by the bank for handling.

### **51.24 COST STUDY**

- A. The Town may periodically initiate a cost study to ensure rates and charges for wastewater services

remain in proportion to the cost of providing the service. Cost studies may include an analysis of the cost associated with volume and delivery flow rate characteristics attributed to various user classes, the financial position of the Wastewater Utility and the ability for it to fund operation and maintenance, replacements, debt service requirements, and capital improvements to the wastewater collection and treatment systems.

- B. The studies shall be conducted by officers or employees of the Town or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the Town shall determine to be best under the circumstances. The Town may, upon completion of the study, revise and adjust the rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

**51.25 ENFORCEMENT.**

- A. The Town shall make and enforce by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the Town's wastewater utility and the receiving treatment works, for the construction and use of house sewers and connections to the wastewater treatment works, the wastewater collection system, and for the regulation, collection, and rebating and refunding of the rates and charges.
- B. The Town is hereby authorized to prohibit dumping of wastes into the Town's wastewater system which, in its discretion, are deemed harmful to the operation of the wastewater treatment works, or to require a method affecting pretreatment of the wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) Permit issued to the wastewater utility, or as contained in the EPA General Pretreatment Regulations, 40 CFR Part 403, and any amendments thereto, or the Town's Pretreatment Program Plan.

**51.26 SPECIAL RATE CONTRACTS.**

The Town Council is hereby further authorized to enter into special rate contracts with customers of the wastewater utility where clearly definable reduction in cost to the wastewater utility can be determined, and the reduction shall be limited to the reduced costs.

**51.27 CONNECTION CHARGES.**

The owner of any lot, parcel of real estate, or building, filing an application to connect to the wastewater utility and being permitted to connect to the Town shall, prior to being permitted to make a connection, pay fees as established in *Appendix B: Wastewater Fee Schedule*. These fees shall cover the cost of making the public sewer suitable for connection, including excavation, backfill, pavement replacement, and the components of the public sewer required for connection including, but not limited to, the grinder pump station. See *Section 51.51 New Connections*.

**51.28 CHARGES DURING DISCONNECTION**

- A. *Temporary Disconnection:* If a structure is demolished or extensively remodeled and the sewer is disconnected for 24 months or less, the property owner may request a reduced rate during the temporary disconnection. The reduced rate shall consist of the bond and interest, replacement cost, and billing cost. The reduced rate shall be assessed each month until the Certificate of Occupancy is issued by the Steuben County Building Commission.
- B. *Permanent Disconnection:* If an existing structure is demolished and the sewer is disconnected for more than 24 months, the owner may choose to either:
  - 1. Pay a reduced rate consisting of the bond and interest, replacement cost, and billing cost to reserve

that connection for future use; or

2. Request, in writing to the Town Council, that the public sanitary sewer connection be vacated. In this case all monthly sewer fees shall be discontinued.
  3. All charges for sewer service shall cease upon the favorable inspection by Town officials, or their designee, indicating that the sewer lines have been safely terminated and the inspection fee has been paid. Any request for a sewer connection following termination shall be considered a new sewer connection and shall require payment of all applicable fees and approvals required for a new sewer connection.
- C. *Vacating a Connection:* Requests to vacate a public sanitary sewer connection shall be made by the property owner in writing to the Town Council. Upon approval by the Town Council, all monthly sewer fees shall be discontinued. Any future connection on the same property shall follow the application process for new connections in *Section 51.51 New Connections*. All New Connection fees shall apply.

## GENERAL SEWER USE PROVISIONS

### 51.35 DEFINITIONS.

Unless otherwise defined herein, terms shall be as adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and American Water Works Association, and the Water Environment Federation and as set forth in 40 CFR Part 136. Waste constituents and characteristics shall be measured by *Standard Methods* unless a mutually agreed upon, acceptable alternative method is adopted, or in such other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods.

**BENEFICIAL USES.** These include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible and intangible, as specified by state and federal law.

**BIOCHEMICAL OXYGEN DEMAND (BOD) 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 of BOD shall be made in accordance with procedures set forth in *Standard Methods*, therein and conventionally referred to as BODs.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer three feet outside of the building wall.

1. **BUILDING DRAIN; SANITARY.** A building drain which conveys sanitary or industrial wastewater.
2. **BUILDING DRAIN; STORM.** A building drain which conveys stormwater or other clear water drainage, but not wastewater.

**CHEMICAL OXYGEN DEMAND (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 *Standard Methods*.

**COMPATIBLE POLLUTANTS.** Wastewater having or containing:

1. Measurable biochemical oxygen demand;
2. Suspended solids;
3. pH;
4. Fecal coliform bacteria; or
5. Additional pollutants identified or defined in the Town of Fremont's National Pollutant Discharge Elimination System (NPDES) permit or by the state or Council.

**CONSTITUENTS AND CHARACTERISTICS OF WASTEWATER.** The chemical, physical, bacteriological or radiological properties, including volume, flow rate and such other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

**COUNCIL.** The Council of the Town. It is the governing body of the wastewater system of the Town, which system is a public service.

**EFFLUENT.** The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

**GARBAGE.** Any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce.

**INCOMPATIBLE POLLUTANTS.** Any pollutants which are not compatible pollutants.

**INDUSTRIAL WASTES.** Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow into or enter the wastewater system or ground from an industrial, manufacturing, commercial or business process or from the development, recovery of processing of any natural resource carried on by any person and shall further mean any waste from an industrial user, but not including wastewater or stormwater.

**INFILTRATION.** The water entering the wastewater system directly or via private sewers, building drains and building sewers connected therewith, from the ground, through such means as, but not limited to, defective pipe joints, connections, or manhole walls.

**INFLOW.** Water, other than wastewater, entering the wastewater system from sources, such as leaders, cellar, yard area, and foundation drains, sump-pumps, drains from springs and swampy areas, manhole areas, catch basins, cooling towers, stormwater, surface runoff and street wastewater or drainage.

**INSPECTOR.** A person authorized by the Council to perform inspection duties assigned to him or her by the Council.

**BUILDING (OR HOUSE) LATERAL SEWER.** The extension from the building to the grinder pump station.

**LATERAL SEWER.** The extension from the grinder pump station to the wastewater system.

**LOCAL LIMIT.** Specific discharge limits developed and enforced by the Town upon all users to implement the general and specific discharge prohibitions listed in 40 C.F.R. 403.5(a)(1) and (b).

**MAJOR CONTRIBUTOR.** A user discharging or introducing into the wastewater system:

1. A flow of more than 50,000 gallons per average workday;

2. A toxic pollutant in toxic amounts as defined in U.S. Public Law § 92-500 as now adopted or as hereafter amended;
3. A flow or pollutant concentration as now or hereafter defined or identified as a problem pollutant or flow by applicable state or federal regulations or by the Council;
4. An effluent of significant impact, either singly or in combination with other contributors, on the wastewater treatment plant or the quality of its effluent; or
5. Any substance unusual or unique in quality or quantity requiring special attention or processing in order to effect proper wastewater treatment.

**MAY.** The act referred to is both permissible and approved.

**NORMAL DOMESTIC SEWAGE.** Sewage, such as discharged by residential users, with a BOD, concentration not in excess of 250 mg/l and a suspended solids concentration not in excess of 250 mg/l.

**NPDES PERMIT.** National Pollutant Discharge Elimination System permit now or hereafter held by the Town of Fremont and setting forth conditions for the discharge of any pollutants or combination of pollutants.

**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 like or property.

**OPERATION AND MAINTENANCE.** Shall have the same meaning as defined in the Sewer Rate Ordinance.

**PERSON.** Any natural person, or public or private corporation, or any other entity whatever.

**pH.** The conventional scientific measure of the degree of acidity or alkalinity.

**POLLUTION.** An alteration of the quality of water by waste, contaminants or pollutants to a degree which renders such water unfit for beneficial users.

**PRETREATMENT STANDARDS.** Prohibited discharge standards, categorical pretreatment standards, and local limits.

**PUBLIC SEWER.** A sewer owned by the Town.

1. **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.
2. **FORCE MAIN.** A pipe in which wastewater is carried under pressure.
3. **GRINDER PUMP STATION.** A pumping station for a building sewer.
4. **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
5. **PUMPING STATION.** A pump station which collects wastewater and introduces it into a force main under pressure.

**SANITARY SEWAGE.** Sewage, such as, and having the characteristics of, domestic wastewater from dwellings (including apartment houses and hotels), office buildings, factories, or institutions, free from storm and surface water and industrial wastes.

**SANITARY SEWER.** A sewer intended to carry only sanitary or sanitary and industrial wastewaters from residence, commercial buildings, industrial plants and institutions.

**SEWER.** A pipe or conduit laid for carrying wastewater or other liquids, and solids suspended or entrained therein.

**SHALL.** The act referred to is mandatory.

**SHREDDED GARBAGE.** Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the wastewater system, with no particle being greater than 1/2 inch in dimension.

**SUSPENDED SOLIDS.** Solids which either float on the surface of or are in suspension in water, wastewater or other liquid and which are removable by laboratory filtration. 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 Clear Lake, Indiana.

**USER.** A person who introduces into or discharges into, including both the owner and occupant of real estate from which is introduced or discharged into the wastewater system, any substance whatever.

**USER CLASS.** See § 51.20.

**WASTE.** Wastewater and any and all other waste substances, 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 such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

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

**WASTEWATER SYSTEM.** The network of publicly owned sewers and appurtenances used for collection, transporting, and pumping wastewater to a wastewater treatment plant.

**WASTEWATER TREATMENT PLANT.** The Town of Fremont wastewater treatment plant owned by the Town of Fremont.

### 51.36 ADMINISTRATION

- A. Town Council: The Clear Lake Town Council shall be responsible for adopting and enforcing ordinances necessary for the safe, economical, and efficient operation and management of the Town's wastewater system; and for adopting, reviewing, and modifying rates and fees associated with the use of the Town's wastewater system.
- B. Applications for new connections to the wastewater system that were not included on the original sewer plan which was approved October 1, 2001, and permanent disconnections (vacations of connection) from the wastewater system shall be heard and determined by the Town Council.
- C. All other proposed new connections shall be determined by the Town Superintendent, who is responsible for the daily operation and maintenance of the Town's wastewater collection system, and shall keep records on the wastewater infrastructure including grinder pump stations; report regularly to the Clear Lake Town Council; and serve as staff to the Town Council.
- D. Clerk-Treasurer: The Clear Lake Clerk-Treasurer and/or her designee shall be responsible for billing, collection, record keeping, reporting, and other written correspondence of the wastewater utility.

### 51.37 BYLAWS AND REGULATIONS OF THE TOWN COUNCIL.

- A. The Town Council may adopt and enforce such reasonable regulations not in conflict herewith as it may be deemed necessary for the safe, economical and efficient management of the Town's

wastewater system and for the construction and use of building or house lateral sewers and connections to the wastewater system, which regulations may include limitations of or prohibition of introduction of or infiltration by stormwater, surface water, and ground water into the wastewater system.

- B. All entities providing any facility or improvement to the Town shall only do so in accordance with the Town of Clear Lake Wastewater Utility Standards and Specifications, latest edition as adopted by the Town Council, which are incorporated herein by reference.
- C. Any deviation requested from the construction and operational standards, specifications and procedures contained in the Wastewater Utility Standards and Specifications must be submitted in writing to the Town Superintendent. Any approval of a requested deviation shall only be granted in writing by the Town Superintendent after consultation with the Council President, or Town Council, as the Council President shall direct.

#### **51.38 CONTRACT FOR WASTEWATER TREATMENT**

The Town of Clear Lake's wastewater system consists of a collection system that pumps wastewater from Clear Lake to the Town of Fremont for treatment and discharge. The Town may negotiate, as necessary, with the Town of Fremont or other treatment facilities to ensure safe and efficient treatment of wastewater collected by the Town.

#### **51.39 DAMAGING, DEFACING, AND THE LIKE; SEWERAGE WORKS PROPERTY.**

A person shall not maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town wastewater system. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief.

#### **51.40 RIGHT OF ENTRY OF INSPECTOR TO ANY PREMISES.**

The Superintendent, Inspector or other duly authorized employee of the Town, upon reasonable notice to any person who is owner, tenant, or occupant of any real estate, is empowered to enter, upon presentation of proper credentials, all premises for the purpose of inspection, observation, measuring, sampling and testing water, wastewater, and industrial waste.

#### **51.41 FAILURE TO COMPLY WITH THE TERMS OF THIS CHAPTER.**

- A. Accidental discharges.
  - 1. A user shall notify the Town Superintendent and Town Council President immediately upon accidentally discharging chemicals, corrosive substances, or anything harmful to the wastewater system or treatment process, or wastewaters in violation of this chapter, to enable countermeasures to be taken by the Town to minimize damage to the wastewater system, 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, signed by the user, describing the causes of the accidental discharge and the measures being taken to prevent future similar occurrences.
  - 3. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater system, wastewater treatment plant, or treatment process, or any fines or penalties imposed by the Council, which expense, loss or damage shall be paid for by the user.
  - 4. A notice shall be furnished and permanently posted advising designated responsible employees to call the Town Council President in case of accidental discharge in violation of this chapter.

- B. *Continued failure to meet wastewater admissibility requirements or the terms of major contributor permits.* The Town Council shall have the following methods of recourse in the event of repeated or willful failure by a user to meet the wastewater admissibility requirements of this chapter. In addition, the Town shall have and the Council may exercise all other legally available remedies.
1. *Submission of time schedule.* When the Town finds that a discharger of wastewater has been taking place in violation of the admissibility requirements prescribed in this chapter or the provisions of a major contributor permit, the Town may require the user to submit for approval a detailed time schedule of specific actions, acceptable to the Council, which the user shall take in order to prevent or correct a violation of requirements.
  2. *Issuance of cease and desist orders.* When the Town finds that a discharge of wastewater has taken place or is likely to take place in violation of the admissibility requirements of this chapter, or of a major contributor permit, the Council may issue an order to cease and desist, and may direct that the user not complying with such requirements:
    - a) Comply forthwith;
    - b) Comply with a time schedule set forth by the Council; or
    - c) Take appropriate remedial or preventive action.
  3. *Injunction.* When the Town finds that a discharge of wastewater is in violation of the admissibility requirements of this chapter or the provisions of a major contributor permit, or otherwise causes or threatens to cause a condition of pollution or nuisance, the Council, on behalf of the Town, may petition any court of proper jurisdiction for the issuance of a preliminary or permanent injunction or both, as may be appropriate, in restraining the continuance of such a discharge.
  4. *Termination of service.* The Town may revoke any major contributor permit or terminate or cause to be terminated wastewater service in whole or in part if a violation of any provisions of this chapter 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 § 51.35, or causes the Town of Fremont to violate the terms of its NPDES permit or any state or federal law or regulation.
  5. *Administrative appeals.* Any user affected by any decision, action, or determination, including cease and desist orders, made by the Town Council President, interpreting or implementing the provisions of this chapter, any permit issued herein, or any action, decision, or regulation of the Council adopted pursuant hereto, may file with the Council a written request for review and reconsideration within ten days of such a decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The appeal shall, if reasonable possible, be heard by the Council within 30 days from the date of filing. The Town Council President's decisions, actions, or determination shall remain in effect during such period of reconsideration, unless the Council otherwise determines on request of the user.

#### **51.42 FALSIFYING OF INFORMATION.**

A person shall not knowingly make or submit to the Town a false statement, representation, record, report, plan, or other document required to be filed hereunder or under a duly adopted regulation of the Council, or voluntarily filed with the intent that the Town rely thereon, or falsify, tamper with, or knowingly render inaccurate any monitoring, testing, measuring, or timing device required to be installed under these regulations. A person shall not, during any monitoring or surveillance period, alter industrial



processes or other activities for the purpose of rendering samples drawn or measurements taken during said monitoring or surveillance unrepresentative or uncharacteristic of normal operations, flows or concentrations of pollutants.

## **CONNECTION TO WASTEWATER SYSTEM**

### **51.50 CONNECTIONS REQUIRED**

- A. *Public Wastewater Utility Connections:* The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Town and which the property line is within 300 feet of the sanitary sewer is required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter. Any person constructing a new house or other building for occupancy, employment, recreation, industrial or commercial activity within the Town and there is access to a sanitary sewer, must connect to such sanitary sewer in accordance with applicable ordinances and regulations, and shall not discharge wastewater elsewhere.
- B. *Private Septic Systems:* Except as otherwise provided by this chapter, a person shall not construct or maintain a privy, septic tank, cesspool or other facility intended or used for the disposal of wastewaters, and all unused facilities must be permanently sealed pursuant to Steuben County Health Department requirements.
- C. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the local Health Officer.

### **51.51 NEW CONNECTIONS**

- A. *Unauthorized Connections:* No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereto without first obtaining a written permit from the Town Council.
- B. Tap Charges and Other Requirements for Connection to Public Sewer:
  - 1. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until that person has satisfied their obligation to pay all assessments, reimbursements or pro rata share of sewer extension costs laid against that property for the public sewer installed to serve it. A tap permit given in error or wastewater service charges billed to a property in error shall not operate to nullify any such obligation.
- C. *Permit Application:* Regardless of the Class of User, the property owner or the property owner's agent shall make application for a new connection. The following information shall be required for a new connection:
  - 1. Completed *Application Form*, provided by the Town;
  - 2. A non-refundable Application Fee, as identified in Appendix B: Wastewater Fee Schedule;
  - 3. A *Tap Fee*, as identified in *Appendix B: Wastewater Fee Schedule*, which shall cover the cost of equipment and installation to connect the building sewer to the public sanitary sewer system;
  - 4. Plans and specifications for the new connection;
  - 5. Provisions for a recorded utility easement to accommodate the Town's grinder pump station;
  - 6. Any other applicable information deemed necessary by the Town Superintendent; and

7. An Inspection Fee, as identified in Appendix B: Wastewater Fee Schedule.
- D. *Tap Fee Exemption:* Tap fees are waived for the first connection to the wastewater system from properties intended for connection at the time of construction of the original wastewater system, provided debt service bond and interest and billing costs have been paid for these properties since the construction of the original wastewater system. These properties are identified on a list maintained at Town Hall by the Town Council.
- E. *Fees:* The Application Fee shall be required when the application is submitted to the Clear Lake Town Council for approval. The Application Fee is non-refundable. The Tap Fee and Inspection Fee shall be required prior to issuance of the permit.
- F. *Permit Approval:* Upon approval from the Town Council and proof of recording of any applicable utility easement, the owner shall obtain necessary permits to begin construction on the project including the building sewer. All costs and expenses associated with the building sewer shall be borne by the property owner. The property owner or installer of the building sewer shall indemnify the Town from any loss or damage that may result directly or indirectly from the installation.
- G. *Determining Major Contributors:* Each commercial and industrial user shall supply the Town with information about expected wastewater constituents and characteristics to be used in determining whether or not the user will be a major contributor.
- H. *Separate Sewer Requirements.* A separate and independent building or house lateral sewer shall be provided for every building or house, except where one building or house stands at the rear of another and no lateral sewer or private building or house lateral sewer is available or can be constructed to the rear building or house through an adjoining alley, court, yard, or driveway. In such cases, the building or house lateral sewer from the front building or house may be extended to the rear building or house and the whole considered as one building or house lateral sewer.
- I. Use of old building or house lateral sewer for a new building or house.
1. Old building or house lateral sewers may be used in connection with new buildings or houses only when they are determined, upon examination and test by the Inspector, to meet all requirements of this chapter.
  2. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- J. Connection of Downspouts, Drains, and the Like.
1. No person shall hereafter connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots, or other sources of surface, runoff or groundwater, to the Town's wastewater utility or to a building or house lateral sewer or building or house drain which is in turn connected directly or indirectly to the wastewater utility.
  2. The Town shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have 30 days after notice to comply with any such requirements.
- K. *Inspection; Supervision of Connection.* The applicant for the building or house lateral sewer permit shall notify the Council or its designated representative when a building or house lateral sewer is ready

for inspection and connection to the wastewater system. The connection shall be made under the supervision of the Inspector or his or her representative using materials and techniques conforming to the requirements of the Council. The applicant shall give 72 hours weekday notice before the burial or covering of the building or house lateral sewer and shall not cover or bury the sewer until the inspection is completed and the connection approved.

#### **51.52 ADDITIONAL CONNECTIONS**

*Adding Connections:* Any additional connection to the wastewater system for a separate building (when allowed by zoning ordinance) on the same lot shall be considered an independent and new connection even if both connections are owned by the same property owner. The Application, Application Fee, Tap Fee, and Inspection Fee shall apply to all additional connections.

#### **51.53 CONNECTIONS OUTSIDE TOWN LIMITS**

- A. *Areas Adjacent to Existing Public Sewer:* The Town Council shall have the authority to permit a property located outside of the corporate limits of the Town to connect to an existing public sanitary sewer which is part of the Town's wastewater system, provided the property abuts, adjoins, or is contiguous to the street, alley, or easement in which said sewer is located and provided the property owner has complied with the conditions set out otherwise in this ordinance. Prior to making any connections with or openings into the wastewater system, the property owner must secure a specific resolution of the Council describing the real estate and property to be served and authorizing such connection.
- B. *Areas not Adjacent to Existing Public Sanitary Sewer:* Connections to the wastewater system for the purpose of serving areas outside the corporate limits of the Town shall first secure a Resolution from the Town Council describing the property to be served and authorizing service outside the corporate limits. Upon passage of a Resolution from the Town Council, application shall be made and fees paid in accordance with this ordinance and *Appendix B: Wastewater Fee Schedule*.

#### **51.54 DISCHARGE INTO NATURAL OUTLETS PROHIBITED.**

It shall be unlawful to discharge any wastewater or other polluted water into any outlet other than the wastewater system within any area under the jurisdiction of the Town.

#### **51.55 RIGHT TO PROHIBIT NEW CONNECTIONS.**

The Town shall have the right to prohibit new connections when in the opinion of the Council excess capacity of the wastewater system is deemed insufficient to accommodate the expected flow, BOD and/or suspended solids loading from the prospective sewer user. Additionally, the Town maintains the right to prohibit new connections permitted to accessory structures.

#### **51.56 DISCONNECTIONS**

- A. *Disconnection:* If a building sewer is disconnected from the wastewater system for any reason, the property owner shall pay a Disconnection Fee and Inspection Fee, as identified in *Appendix B: Wastewater Fee Schedule*.
  - 1. The Town may at its discretion disconnect a building sewer from the wastewater system if the building sewer is not actively utilized for longer than 24-months.
  - 2. If the duration of the disconnection is longer than 24-months, the Town may remove the grinder pump or portions of the grinder pump station to prevent damage to electronic components. In this case, the property owner shall pay a Removal Fee, as identified in *Appendix B: Wastewater Fee Schedule*. When a building sewer is ready to be reconnected, the property owner shall pay the applicable Reconnection Fee(s), as identified in *Appendix B: Wastewater Fee Schedule*.

3. If a building sewer is disconnected from the public sewer with no intention of being reconnected, the property owner may request the sewer connection be vacated. A request to vacate a sewer connection shall be made in writing to the Town Council. Once a sewer connection is vacated, any subsequent connection shall be considered a new connection. The process and fees outlined in *Section 51.51 New Connections* shall apply.
- B. *Reconnection:* If a building sewer needs to be reconnected to the public sewer, regardless of the duration of the disconnection, the property owner shall pay the applicable Reconnection Fee(s), as identified in *Appendix B: Wastewater Fee Schedule*.

#### **51.57 REQUIREMENTS FOR WASTEWATER SYSTEM ADDITIONS AND EXTENSIONS**

- A. Approval of plans and specifications.
1. Plans and specifications for any public sewer, lift station or force main to be connected to the Town's sewer system must be submitted to the Council 60 days in advance of scheduled construction.
  2. Plans and specifications shall be approved by the Council prior to start of construction of the facility.
- B. *Permit Application:* The property owner, developer, or their agent shall make application for an addition or extension of the Town wastewater system. The following information shall be required:
1. Completed *Application Form*, provided by the Town;
  2. A non-refundable Plan Review Fee, as identified in *Appendix B: Wastewater Fee Schedule*;
  3. A *Tap Fee*, as identified in *Appendix B: Wastewater Fee Schedule*, for each tap which shall cover the cost of equipment and installation to connect the building sewer to the public sanitary sewer system;
  4. Plans and specifications for the new connection;
  5. Provisions for a recorded utility easement to accommodate the addition or extension;
  6. Any other applicable information deemed necessary by the Town Superintendent; and
  7. An Inspection Fee, as identified in *Appendix B: Wastewater Fee Schedule*.
- C. *Fees:* The Plan Review Fee shall be required when the application is submitted to the Town for approval. The Plan Review Fee is non-refundable. The Tap Fee and Inspection Fee shall be required prior to issuance of the permit.
- D. *Permit Approval:* Upon approval from the Town Council and proof of recording of any applicable utility easement, the property owner, developer, or their agent shall obtain necessary permits to begin construction on the project including the addition or extension. All costs and expenses associated with the addition or extension shall be borne by the property owner or developer. The property owner or developer shall indemnify the Town from any loss or damage that may result directly or indirectly from the installation.

#### **51.58 INSTALLATION**

- A. All building sewers must be connected to the building drain as it leaves the structure, outside of the foundation. Existing pipes, septic tanks and absorption tiles must be abandoned and disconnected from sewers connecting to the wastewater system. Gutters, downspouts, and other stormwater drains shall be completely separate from the building sewers and not connect to the wastewater system.

- B. Grinder pump stations shall not be connected to the Town's sewer or lateral sewer connected to the Town's sewer unless inspected and approved by the Superintendent or Inspector.
- C. Existing pipes, septic tanks and absorption tiles must be abandoned and disconnected from sewers connecting to the wastewater system in accordance with the requirements of the State Board of Health.

#### **51.59 GRINDER PUMP STATIONS**

- A. *Responsibility:* The Town shall provide, install, and own the grinder pump stations. The Town shall be responsible for all maintenance on the grinder pump station.
- B. Shared Connections:
  - 1. No new grinder pump station installations shall be shared by or serve more than one property. No new connections shall share a grinder pump with another connection.
  - 2. Grinder pump stations installed prior to the adoption of this ordinance were often shared by two different private properties. Additional connections to these shared grinder pump stations shall not be permitted.
- C. *Location:* The location of the grinder pump station shall be determined by the Town Council or its designee. Generally, a grinder pump station shall be located within 30 feet of the main, within proper easements or rights-of-way with clear, unobstructed view from the nearest street. Connection of the grinder pump station shall include check valves and curb stop valves in the discharge line.
  - 1. If movement or relocation of the grinder pump station is requested by the property owner and approved by the Town Council, all costs associated with moving/relocating the grinder pump station shall be borne by the property owner. Movement or relocation of the grinder pump station shall be considered a new connection and subject to the requirements for new connections.
  - 2. If movement or relocation of the grinder pump station is required by the Town, all costs associated with moving/relocating the grinder pump station shall be borne by the Town.
  - 3. Physical labor associated with moving or relocating a grinder pump station shall be completed by the Town or a contractor hired by the Town.
- D. Electrical Service:
  - 1. New grinder pump station installations and grinder pump station installations relocated at the request of the property owner shall be served by secondary electrical power from the property owner. The property owner is responsible for electrical service to the grinder pump station location. The Town will be responsible for the final connection of electrical power to the grinder panel.
  - 2. The Town will be responsible for the electrical power to the grinder pump station on existing grinder pump stations with direct electric utility power only. For existing direct electric utility power grinder stations, the electric utility may require installation of a meter base and disconnect when electrical service is disconnected for movement, relocation, or servicing of existing grinder pump stations. In such cases, the property owner is responsible for the Reconnection Fee identified in *Appendix B: Wastewater Fee Schedule*.
- E. *Private pumping stations:* If the property owner requires a private pump station to lift wastewater to the Town-owned grinder pump station, the private pump shall meet the following requirements:

1. The private pump shall be owned and maintained by the property owner.
  2. The private pump shall be capable of handling wastewater solids or should be a grinder pump.
  3. The private pump shall not exceed 14 gallons per minute (gpm).
- F. Easements:
1. Grinder pump stations and sewer laterals shall be located within duly recorded easements extending five (5) feet from the lateral sewer and grinder pump station.
  2. If a property owner within the Town plans to build across the property line adjoining two lots, within the association easement and a grinder pump station or lateral sewer is located in that easement, prior to construction the property owner shall convey to the Town a new easement satisfactory to the Town to protect the wastewater system and allow access, which new easement shall be executed and recorded prior to issuance of a building permit. The new easement and legal description will be at the expense of the property owner on forms acceptable to the Town. No structure will be permitted to be built over or within five (5) feet of a lateral sewer or grinder pump station.
- G. *Grinder pump station accessibility:* Property owners shall not plant trees, flowers, shrubs or other plantings within five feet of the grinder pump station. There shall be no plantings on one side of the pump facing the nearest road. The purpose of this requirement is to provide accessibility for servicing and to promote visibility of the visual alarm from the roadway. Any plantings that, as they mature, encroach within five feet of the grinder pump station are subject to trimming by the Town. No structures shall be built or located within five feet of a grinder pump station.
- H. *Final Grade:* The final grade of the land within the easement shall slope away from the grinder pump station.

## WASTEWATER ADMISSIBILITY

### 51.70 MAJOR CONTRIBUTOR PERMITS.

- A. Any industrial user and any other user on demand of the Council shall provide the Town with sufficient information to determine if it is a major contributor. Any user determined to be a major contributor shall be required to obtain a permit which describes the wastewater constituents and characteristics allowed and which sets forth the applicable surveillance schedule and the monitoring requirements the user shall be subject to in order to discharge into the wastewater system. A major contributor permit shall be valid for four years unless processing changes are made that, in the opinion of the Council, alter the wastewater constituents and characteristics significantly. In the event of such a change, a new application shall be filed accordingly. A permit may be renewed without reapplication at the end of four years at the discretion of the Town.
- B. Nothing in a major contributor permit shall constitute 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 the Sewer Rate Ordinance.

### 51.71 MAJOR CONTRIBUTOR PERMIT APPLICATIONS; FEES.

- A. 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 Council.
- B. *Fees.* Permit fees for major contributors shall be as identified in the *Appendix B: Wastewater Fee*

*Schedule.*

#### **51.72 SURVEILLANCE OF MAJOR CONTRIBUTORS.**

- A. Major Contributors shall be monitored on a semi-annual basis or as deemed necessary by the Town Superintendent.
- B. The surveillance period will normally be for a period of seven consecutive days, but can be of longer or shorter duration at the discretion of the Council or Superintendent. In cases where the surveillance period extends for a greater number of consecutive days than seven, the Town shall have the prerogative of selecting the seven consecutive days of its choice for establishing rates and charges as provided for in this chapter.
- C. Surveillance survey charges shall be as identified in *Appendix B: Wastewater Fee Schedule*.
  - 1. The Council may adopt a schedule of lower, but not higher, surveillance fees and may waive surveillance fees in proper instances, particularly when surveillance is to detect or determine improper discharge found not to exist.
  - 2. Where the industry has no ongoing pretreatment facility or system approved by the state or by the Council, there will be no surveillance fee, unless the Council finds that the user, having such a pretreatment facility or system, has repeatedly violated the effluent standards applicable to such user.

#### **51.73 MONITORING OF MAJOR CONTRIBUTORS.**

- A. A major contributor shall install at its own expense:
  - 1. A suitable control manhole or other access means, together with such necessary appurtenances in or on each building lateral sewer to facilitate observation, sampling and measurement of the wastewater; and
  - 2. Such sampling devices as may be reasonably necessary, all unless otherwise instructed by the Town. Such manholes or other access means and sampling and testing devices shall be constructed and maintained to the Town's satisfaction at the expense of the user, but shall be under the control of the Town.
- B. The Town may provide monitoring equipment during a surveillance period for control manholes or other access means.
- C. Monitoring equipment shall, unless otherwise specified by the Town, include a device for automatically measuring flow and a device for automatically taking a composite sample of wastewater during a 24-hour period.

#### **51.74 LIMITATIONS ON POINT OF DISCHARGE.**

No person shall discharge any substance directly into a manhole or other opening in the wastewater system other than through the approved building or house lateral sewer, except in accordance with the terms of this chapter or by express permission of the Council.

#### **51.75 LICENSED COMMERCIAL OR INDUSTRIAL WASTE HAULING.**

A person who is a licensed commercial or industrial waste hauler may not discharge into the wastewater system.

#### **51.76 SPECIAL AGREEMENTS.**

Special agreement and arrangements between the Town and any person within Steuben County may be established by the Council within the terms and intent of this chapter when, in the opinion of the Council, unusual or extraordinary circumstances compel special terms and conditions whereby an unusual wastewater may be accepted for treatment, subject to payment of applicable fees.

**51.77 ADMISSIBILITY; CLASS I RESIDENTIAL WASTE**

- A. Paper Products: Users shall not dispose of paper products down drains, except toilet paper. Prohibited products include paper towels, wipes and disposable wipes, diapers, personal hygiene products, cotton swabs, and such.
- B. Kitchen Wastes: Kitchen solids including vegetable peels and rinds shall be sufficiently ground by a garbage disposal prior to sending down a drain. Eggshells, chicken bones, cooking grease, and oils shall not be disposed of down drains.
- C. Only properly shredded garbage, as defined in § 51.35, may be discharged into the wastewater system.

**51.78 ADMISSIBILITY; PROHIBITIONS ON DISCHARGE.**

No person shall discharge to the wastewater system wastes which cause, threaten to cause, or are capable of causing either along or by interaction with other substances:

- A. A fire or explosion;
- B. Obstruction of flow in the wastewater system or injury to the system or any component thereof or damage to the wastewater collection, treatment, or disposal facilities;
- C. Danger to life or safety of personnel;
- D. A nuisance or hindrance of the effective maintenance or operation of the sewer system, such as through having an unusually strong or unpleasant odor;
- E. Air pollution by the release of toxic or unusually malodorous gases or malodorous gas-producing substances;
- F. Interference with the wastewater treatment process;
- G. Failure to meet any of the limitations set by any federal or state agency or the terms of the Town of Fremont's NPDES permit; interference causing the Fremont wastewater treatment plant's effluent or any other product of the treatment process, residue, sludges, or scum, to be unsuitable for reclamation or disposal.
- H. Discoloration or any other condition that interferes with control of the treatment process.

**51.79 ADMISSIBILITY; PROHIBITION OF UNPOLLUTED WATERS.**

Unpolluted waters, including, but not limited to Town water, cooling water, process water or blowdown from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to the wastewater system for purposes of diluting wastewater in order to reduce sewer rates or charges of the user. Limitations on the amount of unpolluted water that is discharged shall be part of a major contributor's permit.

**51.80 ADMISSIBILITY; LIMITATIONS ON RADIOACTIVE WASTES.**

No person shall discharge or cause to be discharged any radioactive waste into the wastewater system.



## 51.81 ADMISSIBILITY; LIMITATIONS ON WASTEWATER STRENGTH.

All constituents and characteristics of wastewater which singly or in combination may damage the wastewater system, impair the operation of the wastewater system and/or the wastewater treatment plant, interfere with treatment process or impair the quality of the receiving stream or its tributaries are prohibited, including, but not limited to, the following constituents and characteristics, with maximum concentrations as shown below:

- A. A person shall not discharge any wastewater with concentrations greater than the following, unless review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers:
1. BOD<sub>5</sub> concentration in excess of 250 mg/l (milligrams per liter);
  2. A suspended solids concentration in excess of 250 mg/l;
- B. A person shall not discharge any wastewater containing concentration in excess of:
1. A temperature higher than 104°F (40°C);
  2. A pH lower than 6.0 or higher than 9.0;
  3. 0.10 mg/l cadmium;
  4. 0.1 mg/l arsenic;
  5. 25 mg/l hexavalent chromium (Cr. +6) for one day, or 0.09 mg/l hexavalent chromium for any 30 consecutive day average;
  6. 5.0 mg/l total chromium;
  7. 0.1 mg/l copper;
  8. 0.1 mg/l cyanide;
  9. 0.100 mg/l lead;
  10. 0.10 mg/l mercury;
  11. 0.80 mg/l nickel;
  12. 0.10 mg/l silver;
  13. 0.50 mg/l zinc;
  14. 10 mg/l phosphorous (total phosphorous);
  15. 10 mg/l ammonia (as nitrogen);
  16. 200 mg/l oil and grease (animal or vegetable origin);
  17. 100 mg/l oil and grease (mineral or petroleum origin);
  18. 0.5 mg/l phenolic compounds which cannot be removed by Fremont's wastewater treatment process;
  19. Any of the above, in concentrations other than stated, and any other constituents not listed if applicable state or federal regulations, regulations of the Council, or the Town of Fremont's Ordinances, set different maximum concentrations;
  20. Any other substance or concentration thereof prohibited to all users or classes of users by state or federal law, or regulation now or hereafter adopted by the Council;

- C. The limitations imposed in divisions (B)(1) through (18) above are found by the Council to be those attainable by the best practical technology. Limitations adopted by the Council shall in all cases be based on the best practical technology.

**51.82 GREASE, OIL AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided at all food service establishments, and at all industrial or commercial enterprises when, in the opinion of the Town they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the Town and shall be readily and easily accessible for cleaning and inspection. Such interceptors shall be installed and maintained continuously in satisfactory and effective operating condition by the user at the user's expense.

**51.83 RIGHT TO REJECT WASTE.**

The Town shall have the right to reject waste and prohibit the introduction of rejected waste into the wastewater system.

**51.84 PRETREATMENT**

- A. All wastewater discharged by major contributors shall meet the admissibility standards in this chapter, by pretreatment if necessary, as determined by the Council.
- B. The Town may require pretreatment of wastewater when the strength or characteristics of the wastewater is such that it could cause damage to or interfere with the operation of the collection system or treatment process.
- C. When pretreatment is necessary, the pretreated wastes must meet the restrictions contained in The Environmental Protection Agency Pretreatment Standard (40 CFR Part 403).
- D. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his or her expense, and shall at all reasonable times be open to inspection and testing by the Town.

**PENALTIES**

**51.85 PENALTY.**

- A. The commission of any act prohibited by this chapter or by lawful order of the Town Council President or lawful order or regulation of the Council, or the failure to perform without lawful justification any lawful order of the Superintendent or lawful order or regulation of the Council shall be a punishable violation of this chapter for which, unless there is another specific penalty provided, the penalty shall be a fine of not less than \$100 nor more than \$1,000. In the case of discharge into the wastewater system in violation of this chapter or any valid order or regulation of the Council, each day of violation constitutes a separate offense.
- B. Indiana Code 36-9-23-30 and § 51.51 permit the Town to compel connection by any property producing wastewater or similar waste to the sewer system and to compel discontinuance of the use of privies, septic tanks, cesspools and similar structures if the sewer is within 300 feet of the property line of the affected property.
  - 1. Pursuant to I.C. 36-9-23-30(c), the penalty for failure to connect to the sewer system when legally required to do so shall be \$500. Each day that a property fails to become connected when legally required to do so shall constitute a separate offense.
  - 2. The Town shall provide a notice by certified mail advising the property owner of its intent to compel connection to the sewer system at least 90 days prior to the date specified for connection.

3. No penalties under this chapter shall be assessed until the notice period in division (B)(2) of this section has elapsed.

## Appendix A: Wastewater Rates and Charges

Sewage Works Revenue Fund								
	Equivalent Factor	Operation and Maintenance Fund				Sinking Fund	Improvement Fund	Total
		Collection	Treatment	Electrical	Billing Cost	Bond and Interest	Replacement Cost	
<b>Class I: Residential Service</b>								
Dwelling, Single-family detached	1.0	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Dwelling, Single-family attached	1.0	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Condominiums/unit	1.0	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Dwelling, Multiple-family First Dwelling Unit								
First Dwelling Unit	1.0	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each Additional Dwelling Unit	1.0	\$5.32	\$24.08	\$2.97	\$3.68	\$3.68	\$0.00	\$39.73
Mobile home court/space available for rent	1.0	\$5.32	\$24.08	\$2.97	\$3.68	\$3.68	\$0.00	\$39.73
<b>Class II: Commercial Service</b>								
Retail, general and without food/drink service								
First 3 employees	1	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each additional employee	0.25	\$1.33	\$6.02	\$0.74	\$3.68	\$11.15	\$0.00	\$22.92
Restaurant, bar, or any food/drink service establishment								
First 2 employees	1	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each additional employee	0.25	\$1.33	\$6.02	\$0.74	\$3.68	\$11.15	\$0.00	\$22.92
Office, general								
First 3 employees	1	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each additional employee	0.25	\$1.33	\$6.02	\$0.74	\$3.68	\$11.15	\$0.00	\$22.92
Office, medical/dental/vet/personal services (barber)								
First 2 employees	1	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each additional employee	0.25	\$1.33	\$6.02	\$0.74	\$3.68	\$11.15	\$0.00	\$22.92
Laundromats/washer	0.75	\$3.99	\$18.06	\$2.23	\$3.68	\$33.44	\$0.00	\$61.40
Hotel, motel, bed and breakfast								
First rentable room	1.5	\$7.98	\$36.12	\$4.46	\$3.68	\$66.89	\$0.00	\$119.13
Each additional rentable room	0.5	\$2.66	\$12.04	\$1.49	\$3.68	\$22.30	\$0.00	\$42.17
Auto/boat service stations, fuel sales, repair, rental								
First 3 employees	1	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each additional employee	0.25	\$1.33	\$6.02	\$0.74	\$3.68	\$11.15	\$0.00	\$22.92
Each car/boat wash bay	2.5	\$13.30	\$60.20	\$7.43	\$3.68	\$111.48	\$0.00	\$196.09
Auto/boat service stations, fuel sales, repair, rental (with food/drink service)								
First 2 employees	2	\$10.64	\$48.16	\$5.94	\$3.68	\$89.18	\$0.00	\$157.60
Each additional employee	0.25	\$1.33	\$6.02	\$0.74	\$3.68	\$11.15	\$0.00	\$22.92
Each car/boat wash bay	2.5	\$13.30	\$60.20	\$7.43	\$3.68	\$111.48	\$0.00	\$196.09
Place of worship, club, lodge, community center (with food/drink service)								
First 150 members	1	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each additional 50 members, or fraction thereof	0.25	\$1.33	\$6.02	\$0.74	\$3.68	\$11.15	\$0.00	\$22.92
Place of worship, club, lodge, community center (without food/drink service)								
First 200 members	1	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each additional 50 members, or fraction thereof	0.25	\$1.33	\$6.02	\$0.74	\$3.68	\$11.15	\$0.00	\$22.92
<b>Class III: Industrial Service</b>								
Manufacturing - unmetered								
First 3 employees	1	\$5.32	\$24.08	\$2.97	\$3.68	\$44.59	\$0.00	\$80.64
Each additional employee	0.1	\$0.53	\$2.41	\$0.30	\$3.68	\$4.46	\$0.00	\$11.38

## Appendix B: Wastewater Fee Schedule

Fee Description	Fee (\$)
Application Fee (Non-Refundable)	200
Plan Review Fee (Utility Extensions / Additions Only)	
Base Fee (Up to 10 Connections)	400
Additional Fee per ERU in Excess of 10 Connections	25
Tap Fee	7,500
Inspection Fee	100
Disconnection Fee	100
Reconnection Fees (As Applicable per Superintendent)	
Reconnection Fee (Direct Utility Power)	200
Reconnection Fee (Secondary Power)	100
Reconnection Meter Base / Disconnect Fee (As Applicable)	800
Removal Fee	1,250
Major Contributor Permit Fee	2,500
Major Contributor Surveillance Survey Fee	300
Generator Permit Fee	100