

TITLE V: PUBLIC WORKS

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GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

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

"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, beginning three feet outside the building wall.

(1) "SANITARY BUILDING DRAIN." A building drain which conveys sanitary or industrial sewage only.

(2) "STORM BUILDING DRAIN." A building drain which conveys stormwater or other clearwater drainage, but no wastewater.

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

(1) "SANITARY BUILDING SEWER." A building sewer which conveys sanitary or industrial sewage only.

(2) "STORM BUILDING SEWER." A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.

"CARBONACOUS BIOCHEMICAL OXYGEN DEMAND" or "CBOD." The quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius.

"COMBINED SEWER." A sewer intended to receive both wastewater and storm or surface water.

"COMPATIBLE POLLUTANT." Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat these pollutants and in fact does remove the pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (1) Chemical oxygen demand;
- (2) Total organic carbon;
- (3) Phosphorus and phosphorus compounds;

(4) Nitrogen and nitrogen compounds; and

(5) Fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

"EASEMENT." An acquired legal right for the specific use of land owned by others.

"FECAL COLIFORM." Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

"FLOATABLE OIL." Any oil, fat, or grease in a physical state that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.

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

"INCOMPATIBLE POLLUTANT." Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids.

"INDUSTRIAL WASTES." The liquid wastes from industrial manufacturing processes, trades, or businesses as distinct from sanitary sewage.

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

"INFILTRATION/INFLOW." The total quantity of water from both infiltration and inflow without distinguishing the source.

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

"MAJOR CONTRIBUTING INDUSTRY." An industry that:

- (1) Has a flow of 25,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in the standard issued under Section 307(a) of PL 92-500; or
- (4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

"NPDES PERMIT." A permit issued under the National Pollutant Discharge Elimination System for the discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

"NATURAL OUTLET." Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"NORMAL DOMESTIC SEWAGE." The same meaning as defined in § 50.090.

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

"PERSON." Any individual, firm, company, association, society, corporation, or group discharging any wastewater to the treatment works.

"PRETREATMENT." The treatment of industrial sewage from privately-owned

industrial sources prior to introduction into a public treatment works.

"PRIVATE SEWER." A sewer which is not owned by a public authority.

"PROPERLY SHREDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch in any dimension.

"PUBLIC SEWER." A sewer which is owned and controlled by the public authority and will consist of the following increments:

- (1) "COLLECTOR SEWER." A sewer whose primary purpose is to collect wastewater from individual point source discharges;
- (2) "FORCE MAIN." A pipe in which wastewater is carried under pressure;
- (3) "INTERCEPTOR SEWER." A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility; and
- (4) "PUMPING STATION." A station positioned in the public sewer system at which wastewater is pumped to a higher level.

"SANITARY SEWER." A sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.

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

- (1) "COMBINED SEWAGE." Those wastes, including sanitary sewage, industrial sewage, stormwater, infiltration, and inflow, carried to the wastewater treatment facilities by a combined sewer;
- (2) "INDUSTRIAL SEWAGE." A combination of liquid and water-carried wastes discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water); and
- (3) "SANITARY SEWAGE." The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

"SEWAGE WORKS." The structures, equipment, and processes which collect, transport, and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

"SEWER." A pipe or conduit for carrying sewage.

"SLUG." Any discharge of water or wastewater which in a concentration of any given constituent or in the quantity of flow exceeds for any period of duration longer than ten minutes, more than three times the average 24-hour concentration or flow during normal operation and which shall adversely affect the collection system.

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

"STORM SEWER." A sewer for conveying water, ground water, or unpolluted water from any source and to which sanitary or industrial wastes are not intentionally admitted.

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

"SUSPENDED SOLIDS." Any 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.

"TOTAL SOLIDS." The sum of suspended and dissolved solids.

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

"UNPOLLUTED WATER." Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"VOLATILE ORGANIC MATTER." The material in the sewage solids transformed to gases or vapors when heated at 550 degrees Celsius for 15 to 20 minutes.

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 1980-7, passed 3-24-80; Am. Ord. 2006-24, passed 9-18-06)

§ 50.002 APPLICATION OF STATE OR FEDERAL REQUIREMENTS.

All provisions of this chapter and the limits set forth herein shall meet all applicable state and federal requirements. (Ord. 1980-7, passed 3-24-80)

§ 50.003 DEPOSITING OBJECTIONABLE WASTES, OR IN UNSANITARY MANNER, ON PRIVATE PROPERTY.

(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 city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(B) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the city, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit. (Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.004 DISCHARGING INTO NATURAL OUTLETS.

No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit. (Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.005 PRIVIES, SEPTIC TANKS, AND OTHER FACILITIES.

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. (Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.006 OWNER RESPONSIBLE TO INSTALL SUITABLE TOILET FACILITIES.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the city, is required at his or her expense to install suitable toilet facilities therein, and to connect those facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 60 days after the date of the official notice to do so, provided that the public sewer is within 300 feet of the property line.
(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.007 DESTROYING OR TAMPERING WITH MUNICIPAL SEWAGE WORKS.

No unauthorized person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Ord. 1980-7, passed 3-24-80)

§ 50.008 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; INDEMNIFICATION.

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

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except if caused by negligence or failure of the company to maintain safe conditions as required in § 50.071(A).

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within 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. Representatives of IDEM, EPA, and city officials may review all wastewater treatment plant records at any time during regular working hours.
(Ord. 1980-7, passed 3-24-80; Am. Ord. 2006-24, passed 9-18-06)

§ 50.009 PAYMENT IN LIEU OF TAXES.

The city elects to pay the city from sewage rates and charges payment in lieu of taxes as provided in IC 8-1.5-3-8.
(Ord. 2012-14, passed 12-17-12)

§ 50.010 STORM WATER MANAGEMENT DEPARTMENT.

(A) Chapter 5 of Article 1.5 of Title 8 of the Indiana Code concerning "Storm Water Management Systems" ("Act") is hereby adopted by the Common Council of the city so as to make the Act and any and all amendments thereto effective and operative in the city.

(B) Pursuant to the Act, a Department of Storm Water Management shall be and is hereby created for the purpose of providing for the collection, disposal and drainage of storm and surface water and the relieving of sanitary sewers of such water in the city.

(C) Pursuant to the Act, specifically IC 8-1.5-5-5, there is hereby created a special taxing district which shall include all of the territory within the corporate boundaries of the city.

(D) Pursuant to the Act, specifically IC 8-1.5-5-4, the Department of Storm Water Management shall be controlled by a board of directors which shall consist of three directors. The Mayor shall appoint the directors, not more than two of whom may be of the same political party.

(E) The initial terms of the first directors appointed shall be staggered so that one director shall have a one-year term, one director shall have a two-year term and one director shall have a three-year term. Thereafter, the terms of all directors shall be for a period of three years.

(F) The Board of Directors of the Department of Storm Water Management shall have the powers and duties set forth in the Act.
(Ord. 2021-4, passed 4-5-21)

PRIVATE SEWAGE DISPOSAL SYSTEM

§ 50.020 CONNECTING BUILDING SEWER TO PRIVATE SEWAGE DISPOSAL SYSTEM.

Where a public sanitary or combined sewer is not available under the provisions of § 50.006, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.
(Ord. 1980-7, passed 3-24-80)

§ 50.021 WRITTEN PERMIT TO BE OBTAINED; APPLICATION; INSPECTION FEE.

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 a permit shall be made on a form furnished by the city, 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 \$25 shall be paid to the city, at the time the application is filed.
(Ord. 1980-7, passed 3-24-80)

§ 50.022 SUPERINTENDENT TO INSPECT INSTALLATIONS.

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.
(Ord. 1980-7, passed 3-24-80)

§ 50.023 COMPLIANCE WITH STATE BOARD OF HEALTH.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.024 CONNECTING PRIVATE SEWAGE DISPOSAL SYSTEM TO PUBLIC SEWER.

At that time when a public sewer becomes available to a property served by a private sewage disposal system as provided in § 50.023, 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.
(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.025 MAINTENANCE OF PRIVATE SEWAGE DISPOSAL FACILITIES.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.026 CONNECTING BUILDING SEWER TO PUBLIC SEWER.

When a public sewer becomes available, the building sewer shall be connected by the owner within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.027 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the State Health Officer.
(Ord. 1980-7, passed 3-24-80)

BUILDING SEWERS AND CONNECTIONS

§ 50.041 WRITTEN PERMIT REQUIRED FOR USE OF PUBLIC SEWER.

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.
(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.042 BUILDING SEWER PERMITS.

(A) There shall be two classes of building sewer permits.

(1) For residential and commercial service; and

(2) For service to establishments producing industrial wastes.

(B) In either case, the owner or his or her agent shall make application on a special form furnished by the city. 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 \$50 for an industrial building

sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(Ord. 1980-7, passed 3-24-80)

§ 50.043 COST AND EXPENSE OF INSTALLATION AND CONNECTION OF BUILDING SEWER; INDEMNIFICATION.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 1980-7, passed 3-24-80)

§ 50.044 SEPARATE BUILDING SEWER PROVIDED FOR EVERY BUILDING.

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

(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.045 USE OF OLD BUILDING SEWERS WITH NEW BUILDINGS.

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

(Ord. 1980-7, passed 3-24-80)

§ 50.046 BUILDING SEWER SPECIFICATIONS.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.047 GRAVITY FLOW OF BUILDING DRAIN TO PUBLIC SEWER.

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

(Ord. 1980-7, passed 3-24-80)

§ 50.048 SURFACE RUNOFF OR GROUND WATER.

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

(B) It shall be unlawful to construct new combined sewers within the jurisdiction of the City.

(Ord. 1980-7, passed 3-24-80, Am. Ord. 1998-10, passed 8-3-98) Penalty, see § 50.999

§ 50.049 CONNECTION OF BUILDING SEWER INTO PUBLIC SEWER.

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 city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the 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.

(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.050 INSPECTION OF CONNECTION TO PUBLIC SEWER.

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

(Ord. 1980-7, passed 3-24-80)

§ 50.051 BARRICADES AND LIGHTS AROUND SEWER EXCAVATIONS.

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 city. (Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

USE OF PUBLIC SEWERS

§ 50.065 DISCHARGE OF STORMWATER, AND OTHER UNPOLLUTED DRAINAGE.

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

(B) Stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. However, no person shall use such sewers without the specific permission of the city. No new connection shall be made unless there is capacity available in all downstream sewers, lift stations and force mains. (Am. Ord. 1998-10, passed 8-3-98)

(C) Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the city. Where a storm sewer is not available, discharge may be sent to a natural outlet approved by the city and by the State of Indiana.. (Am. Ord. 1998-10, passed 8-3-98)

(D) Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with division (C) above. (Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.066 CERTAIN DISCHARGES PROHIBITED IN PUBLIC SEWER.

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

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

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, and the like, either whole or ground by garbage grinders. (Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.067 DISCHARGE OF CERTAIN WASTES RESTRICTED.

No person shall discharge or cause to be discharged the following described substances or materials: any pollutant, having a temperature higher than 104 degrees Fahrenheit or heat in the amount that could inhibit biological activity in the wastewater treatment plant and result in interference or damage to the wastewater treatment plant. No person shall discharge or cause to be discharged any pollutant or material that shall 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 these 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:

(A) Any liquid or vapor having a temperature higher than 104 degrees Fahrenheit

or heat in any amount that could inhibit biological activity in the wastewater treatment plant and result in interference or damage to the wastewater treatment plant.

(B) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit or 0 and 65 degrees Celsius.

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 HP metric) or greater shall be subject to the review and approval of the Superintendent.

(D) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to 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.

(F) 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 state, federal, or other public agencies of jurisdiction for discharge to the receiving waters.

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

(H) Any waters or wastes having a pH in excess of 9.5.

(I) Materials which exert or cause:

(1) 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).

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

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

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

(J) 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 a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(K) Specific pollutant limits as follows:

Metals and PCB's	Maximum monthly average	Maximum for one day
Cadmium	0.2 mg/l	0.60 mg/l
Chromium	2.0 mg/l	6.0 mg/l
Copper	2.0 mg/l	6.0 mg/l
Cyanide	1.0 mg/l	1.9 mg/l
Lead	2.0 mg/l	6.0 mg/l
Nickel	2.0 mg/l	6.0 mg/l
Silver	2.5 mg/l	2.5 mg/l
Zinc	1.2 mg/l	12.0 mg/l
PCB's	N/A	0.009 mg/l

(Ord. 1980-7, passed 3-24-80; Am. Ord. 2006-24, passed 9-18-6) Penalty, see § 50.999

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§ 50.068

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§ 50.068 PRETREATMENT, EQUALIZATION OF WASTE FLOWS.

(A) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the

substances or possess the characteristics enumerated in § 50.067 of this subchapter, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

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

(2) Reject the wastes in whole or in part for any reason deemed appropriate by the city.

(3) Require pretreatment of the wastes to within the limits of normal sewage as defined.

(4) Require control or flow equalization of the wastes so as to avoid any slug loads or excessive loads that may be harmful to the treatment works; or

(5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating the wastes.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.
(Ord. 1980-7, passed 3-24-80)

§ 50.069 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients, except that the interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by

approval, in writing, is granted. Where the facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his or her expense and shall be subject to periodic inspection by the city to determine that the facilities are being operated in conformance with applicable federal, state, and local laws and permits. The owner shall maintain operating records and shall submit to the city a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against city monitoring records.

(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.071 CONTROL MANHOLE; MEASUREMENTS, TEST, AND ANALYSES.

(A) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the 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,

the city and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gastight, watertight, and equipped with easily removable covers. Where installed, all grease, oil, and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.070 PRETREATMENT OR CONTROL FACILITIES.

(A) 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.

(B) Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the city and no construction of the facilities shall be commenced until

and shall be maintained by him or her so as to be safe and accessible at all times. Agents of the city, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing.

(B) 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, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA published in the Federal Register October 16, 1973, (38 CFR 20758) and any subsequent revisions subject to approval by the city. 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 premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.) (Ord. 1980-7, passed 3-24-80) Penalty, see § 50.999

§ 50.072 INFORMATION ON WASTEWATER FLOW CHARACTERISTICS TO BE SUPPLIED AT USER'S EXPENSE.

The city may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. The measurements, tests, and analyses shall be made at the user's expense. If made by the city an appropriate charge may be assessed to the user at the option of the city. (Ord. 1980-7, passed 3-24-80)

§ 50.073 DETERMINATION OF STRENGTH OF WASTEWATERS; SAMPLING AND ANALYSIS.

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in §§ 50.090 through 50.099, from samples taken at the aforementioned structure at any period of time and of a duration and in a manner as the city may elect, or, at any place mutually agreed upon between the user and the city. Appropriate charges for sampling and analysis may be assessed to the user at the option of the city. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the city.

(Ord. 1980-7, passed 3-24-80)

§ 50.074 NOTIFICATION OF UNUSUAL FLOWS OR WASTES REQUIRED.

Users of the treatment works shall immediately notify the city of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. (Ord. 1980-7, passed 3-24-80)

§ 50.075 INDUSTRIAL WASTES; SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern, at rates as are compatible with §§ 50.090 through 50.099.

(Ord. 1980-7, passed 3-24-80)

§ 50.076 COMPLIANCE WITH STATE OR FEDERAL LAWS; STRINGENT REQUIREMENTS SHALL APPLY.

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the United States Environmental Protection Agency (USEPA) and published in the Federal Register on August 25, 1978, (43 CFR Part 23), and "Federal Guidelines Establishing Test Procedures for Analysis of Pollutants" published in the Federal Register on October 16, 1973, (40 CFR Part 136), in addition to any more stringent requirements established by the city, and any subsequent state or federal guidelines and rules and regulations.

(Ord. 1980-7, passed 3-24-80)

RATES AND CHARGES

§ 50.090 DEFINITIONS.

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

"BOARD." The Board of Public Works and Safety or any duly authorized officials acting in its behalf.

"CARBONACOUS BIOCHEMICAL OXYGEN DEMAND (CBOD)." The same meaning as defined in § 50.001.

"CITY." The city, acting by and through the Board of Public Works and Safety.

"DEBT SERVICE COSTS." The average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt plus a debt service reserve as provided in accordance with provisions of the existing bond ordinance 1980-4.

"EXCESSIVE STRENGTH SURCHARGES." An additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage" as defined below.

"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." The same meaning as defined in § 50.001.

"NORMAL DOMESTIC SEWAGE."

(1) For the purpose of determining surcharges, shall mean wastewater or sewage having an average daily concentration as follows:

(a) BOD not more than 200 milligrams per liter.

(b) S.S. not more than 240 milligrams per liter.

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

"OPERATION AND MAINTENANCE COSTS." All costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing

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basis and produce discharges to receiving waters that conform with all related federal, state, and local requirements. These costs include replacement.

"OTHER SERVICE CHARGES." Tap charges, connection charges, area charges, and other identifiable charges, other than "user charges," "debt service charges," and "excessive strength surcharges" as defined in this section.

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

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

"SUSPENDED SOLIDS" or "S.S." The same meaning as defined in § 50.001.

"SEWAGE." The same meaning as defined in § 50.001.

"SEWER USE ORDINANCE." Sections 50.001 through 50.076 of this chapter, which regulate the connection to and use of public and private sewers.

"USER CHARGE." A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500.

"USER CLASS." The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e. residential, commercial, industrial, institutional, and governmental users in the user charge system; and industrial and nonindustrial users in the industrial cost recovery system).

(1) "COMMERCIAL USER." Any establishment involved in a commercial enterprise, business, or service which, based

on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

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

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

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

(5) "RESIDENTIAL USER." A user of the treatment works whose premises or building is used primarily as a residence are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment for one or more persons, including all dwelling units, and the like. (Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90; Am. Ord. 2006-24, passed 9-18-06)

§ 50.091 PURPOSE.

(A) Every person whose premises are served by the sewage works shall be charged for the services provided. These charges works. User charges shall be uniform in magnitude within a user class.

(B) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency, published in the Federal Register September 27, 1978 (43 CFR 44022). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

(C) The various classes of users of the treatment works for the purposes of this subchapter shall be as follows:

(1) Class I - Inside city limits:

- Residential
Commercial
Governmental
Institutional
Industrial

(2) Class II - All customers outside city limits.

(Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90; Am. Ord. 1995-1, passed 1-16-95; Am. Ord. 2001-14, passed 10-15-01; Am. Ord. 2006-24, passed 9-18-06; Am. Ord. 2012-13, passed 11-15-12; Am. Ord. 2017-8, passed 7-17-17)

§ 50.092 SCHEDULE OF RATES AND CHARGES.

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

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

PHASE I

Metered Users

Class I (Inside):

(1) Treatment rate per 1,000 gallons of usage . . . \$6.34

Plus:

(2) Base rate as follows:

Table with 2 columns: Size of Water Meter and User Charge. Rows include 5/8-inch, 3/4-inch, 1-inch, 1-1/4-inch, 1-1/2-inch, 2-inch, 3-inch, 4-inch, and 6-inch.

Class II (Outside):

(1) Treatment rate per
1,000 gallons of usage . . . \$6.34

Plus:

(2) Base rate as follows*:

(B) Unmetered Users. For users of the sewage works that are unmetered water users or if accurate meter readings are not available, the monthly charge shall be based upon 5,000 gallons of water usage and determined by applying the following monthly rate:

Class I (Inside city limits) \$52.40
Class II (Outside city limits)* \$59.95

<u>Size of Water Meter</u>	<u>User Charge</u>
5/8-inch.	\$28.25
3/4-inch.	\$36.77
1-inch.	\$60.43
1-1/4-inch.	\$92.48
1-1/2-inch.	\$130.99
2-inch.	\$220.84
3-inch.	\$500.05
4-inch.	\$884.35
6-inch.	\$1,976.03

To the equivalency formula shown below:

	<u>Equivalency Factor</u>	<u>Class I</u>	<u>Class II*</u>
<u>Monthly Rate</u>			
Residential:			
Single-family residence, including mobile homes/unit	1.00	\$52.40	\$59.95
Apartments, condominiums and townhouses/unit	0.75	\$39.30	\$44.96
Duplexes/unit	0.75	\$39.30	\$44.96
Commercial:			
Barber or beauty shop:			
First three employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99
Retail establishments:			
First three employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99
Laundromats and washeterias/washer	0.75	\$39.30	\$44.96
Grain elevator:			
First three employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99
Motels, rooming houses, bed and breakfasts and similar establishments:			
First rental room	1.50	\$78.60	\$89.93
Each additional rental room	0.50	\$26.20	\$29.98
Restaurants, drive-ins, bars and organizations with eating and/or drinking facilities:			
First two employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99
Professional offices:			
First three employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99

*Class II base rates include a 36.5% surcharge above the Class I base rates.

	Monthly Rate		
	<u>Equivalency Factor</u>	<u>Class I</u>	<u>Class II*</u>
Service stations/auto repair without car wash:			
First three employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99
Service stations/auto repair with car wash:			
Per car wash bay	2.50	\$131.00	\$149.88
Shop or office in residence	1.00	\$52.40	\$59.95
Veterinarian's office:			
First two employees	1.00	\$52.40	\$59.95
Each additional employee	0.33	\$17.29	\$19.78
Recreational areas:			
Campground (per campsite)	0.60	\$31.44	\$35.97
Institutions:			
Schools per pupil enrolled (five-day school week)	0.10	\$5.24	\$6.00
Churches and other religious organizations: without eating facilities (for each 200 members or fraction thereof)	1.00	\$52.40	\$59.95
Churches and other religious organizations with eating facilities (for each member)	0.02	\$1.05	\$1.20
Group homes:			
First three employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99
Each resident	0.33	\$17.29	\$19.78
Governmental:			
Offices:			
First three employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99
Fire Department:			
Each truck bay	2.50	\$131.00	\$149.88
Industrial:			
Manufacturing:			
First two employees	1.00	\$52.40	\$59.95
Each additional employee	0.25	\$13.10	\$14.99
(Manufacturers who discharge industrial wastes into the sanitary sewage system of the city shall, operate and maintain, at the user's expense, a measuring device, satisfactory to the city, for the measuring of the volume of flow discharged for sanitary sewers, and shall be charged for the quantity of flow)			

*Class II base rates include a 36.5% surcharge above the Class I base rates.

(C) Minimum bill for multiple units with single meter. In the event two or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the city's sanitary sewerage system, either directly or indirectly, are uses of water and the quantity of water is measured by a single water meter, then, in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of dwelling units times \$20.70 per month. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units serviced through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(D) City of Portland. For the service rendered to the city, the city shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(E) Industrial Waste Monitoring Charge. In order to recover the cost of monitoring industrial wastes the city shall charge the user \$30 per sample. This charge will be reviewed and revised on the same basis as all other rates and charges in this subchapter.

(F) New Sewer Taps. In the event of a new installation or sewer tap, the owner of any lot, parcel of real estate, or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of \$500 or the actual cost to the utility for construction, whichever is larger, for each connection.

(G) Septic Tank Wastes.

(1) Septic tank waste will be accepted at the wastewater treatment facility at the discretion of the Wastewater Superintendent.

(2) The sewage waste shall contain only domestic wastewater.

(3) The sewage waste shall not contain any hazardous waste of any kind.

(4) The rate for dumping will be set at \$.05 per gallon of waste.

(5) Wastewater Superintendent shall track the acceptable waste.

(6) Clerk-Treasurer's office will invoice for the accepted waste.

(7) Revenue will be received into sewage operating.

(H) Grease Pit Cleanings. Cleanings from grease pits, grease traps or chemical holding tanks from any industry, commercial establishment, school or other entity will not be accepted for treatment.

(I) Right of Refusal. The city reserves the right, through its wastewater treatment plant Superintendent to refuse any and all undesirable wastes that may tend to interfere with the biological process or place an undue solids' load, grease or oil, or combustible material load or otherwise cause damage to the wastewater treatment plant.

(Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90; Am. Ord. 1995-1, passed 1-16-95; Am. Ord. 2001-14, passed 10-15-01; Am. Ord. 2004-14, passed 10-18-04; Am. Ord. 2006-24, passed 9-18-06; Am. Ord. 2011-1, passed 4-4-11; Am. Ord. 2012-13, passed 11-15-12; Am. Ord. 2017-8, passed 7-17-17; Am. Ord. 2018-7, passed 4-16-18; Am. Ord. 2019-5, passed 8-5-19)

§ 50.093 DETERMINATION OF QUANTITY OF WATER DISCHARGED INTO SANITARY SEWERAGE SYSTEM.

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

(A) Non-Users of City Water. In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the city's sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the water utility serving the city, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the city, then the amount of water used shall

be otherwise measured or determined by the city. In order to ascertain the rate or charge provided in this subchapter, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

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

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

(D) Minimum Bill for Multiple Units with Single Meter.

(1) Phase I, effective with September 2017 billings. In the event two or more dwelling units, such as mobile homes, apartments or housekeeping rooms, discharging sanitary sewage, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of the dwelling units times \$18.11 per month. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other

dwelling units served through the meter. A "DWELLING UNIT" shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(2) Phase II, effective with September 2018 billings. In the event two or more dwelling units, such as mobile homes, apartments or housekeeping rooms, discharging sanitary sewage, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of the dwelling units times \$20.70 per month. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A "DWELLING UNIT" shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(3) Phase III, effective with September 2019 billings. In the event two or more dwelling units, such as mobile homes, apartments or housekeeping rooms, discharging sanitary sewage, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of the dwelling units times \$23.29 per month. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A "DWELLING UNIT" shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(4) Phase IV, effective with September 2020 billings. In the event two or more dwelling units, such as mobile homes, apartments or housekeeping rooms, discharging sanitary sewage, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of the dwelling units times \$25.88 per month. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A "DWELLING UNIT" shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(E) Sprinkling Credit. In order that the single-family domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months of June, July, and August, the billing for sewage service for residences and/or domestic users for the months shall be based upon the water usage for the previous months of December, January, and February. In the event the water usage for those previous months is greater than the water usage for the summer months, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. In order to qualify for this consideration, user must notify the office of the Clerk-Treasurer. The Clerk-Treasurer must advertise necessity for same. Domestic and/or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used a single family residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(F) Credits for Discharges Not Entering Sewage System. For users where a significant portion of the water received from a metered or unmetered source does not flow into the

sanitary sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and the fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the city and at the user's expense. The meters may measure either the amount of sewage discharged or the amount of water diverted. The meters shall be tested for accuracy at the expense of the user when deemed necessary by the city.

(Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90; Am. Ord. 1995-1, passed 1-16-95; Am. Ord. 2001-14, passed 10-15-01; Am. Ord. 2011-1, passed 4-4-11; Am. Ord. 2012-13, passed 11-15-12; Am. Ord. 2017-8, passed 7-17-17)

§ 50.094 ADJUSTMENT FOR SERVICE RENDERED TO USERS; DETERMINING PROPER CHARGE.

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

(A) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 240 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate surcharge based upon suspended solids. There shall be an additional charge of \$.33 per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.

(2) Rate surcharge based upon BOD. There shall be an additional charge of \$.40 per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

(B) The determination of suspended solids and five-day biochemical oxygen demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and

Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analyses of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973.

(Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90)

§ 50.095 PREPARATION, BILLING, AND COLLECTION; WHEN EFFECTIVE FOR SERVICES.

(A) The rates and charges shall be prepared, billed, and collected by the city in the manner provided by law and ordinance.

(1) The rates and charges for all users shall be prepared and billed monthly.

(2) 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. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by a 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.

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

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

(Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90)

§ 50.096 DISCONNECTION FOR LATE PAYMENT.

The city shall disconnect utility service in accord with the following policies:

(A) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid and the penalty of 10% as set forth in § 50.095 (A) (3) has been made. It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of

the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable within ten days after the date of mailing of the bill;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.
(Ord. 1980-6, passed 3-24-80)

§ 50.097 STUDIES TO BE CONDUCTED TO REVIEW RATES AND CHARGES.

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

(B) Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the city shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. The studies shall be conducted by officers or employees of the city, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in the studies, or by such combination of officers, employees, certified public accountants, or

engineers as the city shall determine to be best under the circumstances.

(Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90)

§ 50.098 PROHIBITING THE DUMPING OF CERTAIN WASTES INTO CITY'S SEWERAGE SYSTEM.

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

(Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90)
Penalty, see § 50.999

[Text continues on p. 21.]

§ 50.099 ENFORCEMENT.

The city shall make and enforce any bylaws and regulations as may be deemed necessary for the safe, economical, and efficient management of the city's sewerage system, pumping stations, and sewage treatment works, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating, and refunding of the rates and charges. (Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90)

§ 50.100 AUTHORITY TO ENTER INTO SPECIAL RATE CONTRACTS.

The Board of Public Works and Safety is authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and the reduction shall be limited to the reduced costs. (Ord. 1980-6, passed 3-24-80; Am. Ord. 1988-8, passed 10-17-88; Am. Ord. 1990-5, passed 7-2-90; Am. Ord. 1990-13, passed 11-19-90)

INDUSTRIAL PRETREATMENT ENFORCEMENT GUIDE

§ 50.120 PURPOSE.

(A) The Enforcement Response Guide provides a framework on how the City of Portland investigates and responds to instances of industrial and/or non-residential noncompliance with discharge standards set forth in this chapter.

(B) These procedures have been promulgated by the EPA, to include ranges of enforcement responses available to the city in the event of noncompliance. In any specific case, factors may warrant different responses than those contained in these procedures for a variety of reasons, such as, the degree of variance from pretreatment standards, duration of violation, previous enforcement actions and the deterrent effect of the response.

(C) The enforcement response procedures address a broad range of pretreatment violations. It is not the intent of these procedures to limit the enforcement discretion of the administering agencies. (Ord. 2008-2, passed 2-4-08)

§ 50.121 ENFORCEMENT AUTHORITY.

This subchapter shall be enforced by the City of Portland Board of Works also known as the Control Authority. The Superintendent of the wastewater treatment plant is the duly authorized representative of the Control Authority in all enforcement activities related to this subchapter. Enforcement actions which require legal action are made by the Board of Works upon recommendation of the wastewater treatment plant Superintendent. (Ord. 2008-2, passed 2-4-08)

§ 50.122 INTENT.

It is the intent of this subchapter:

(A) To establish enforcement responses that are appropriate to the severity and nature of the violation, the overall degree of noncompliance; to protect the integrity of the treatment plant process; and

(B) To provide a uniform application of enforcement responses to comparable levels of violations; and

(C) To stress the importance of the pretreatment program along with proper operation and maintenance of pretreatment facilities.

(Ord. 2008-2, passed 2-4-08)

§ 50.123 CATEGORIES OF VIOLATIONS.

(A) Violations of monitoring, sampling and reporting.

(B) Violations of compliance schedules.

(C) Violations of discharge limits.

(D) Violations detected through field inspection or monitoring. (Ord. 2008-2, passed 2-4-08)

§ 50.124 TYPES OF ENFORCEMENT RESPONSES.

(A) VTN: Verbal telephone notice.

(B) SV: Site visit.

(C) LOV: Letter of violation.

(D) SCH: Show cause hearing.

(E) AO: Administrative order.

(F) ECS: Enforcement compliance schedule.

(G) AF: Administrative fine.

(H) LIT: Litigation.

(I) SNC: Significant noncompliance.

(J) TRC: Technical review criteria. (Ord. 2008-2, passed 2-4-08)

§ 50.125 DESCRIPTION OF ENFORCEMENT RESPONSES.

(A) *VTN: Verbal telephone notice.* A verbal telephone notice is used to notify an industrial user of a very minor type of violation, such as a report being received one or two days late.

(B) *SV: Site visit.* A visit to the site to observe and discuss a problem with an industry. The site visit may require a written response within ten days indicating the reason for noncompliance and steps taken to prevent the violation in the future.

(C) *LOV: Letter of violation.* A written notification to the industrial user indicating

the type of alleged violation and requiring a written response within ten days indicating the reason for noncompliance and steps taken to prevent future violations.

(D) *SCH: Show cause hearing.* A meeting to show why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user indicate why the proposed enforcement should not be taken. The notice shall be served by registered or certified mail (return receipt requested) at least ten days prior to the meeting. Whether or not the user appears as requested, immediate enforcement action may be pursued following the hearing date.

(E) *AO: Administrative order.* An administrative order can be used in cases where the city has reached agreement with the user to take corrective action to prevent future violations. The order would be used to outline minor compliance schedules, along with other conditions that might be required, such as additional monitoring and reporting etc.

(F) *ECS: Enforcement compliance schedule:* This is a formal enforcement compliance schedule and may be signed by both the city and the industry involved. The ECS is used when serious or long term violations of discharge limits occur that usually require design and construction of new or additional pretreatment facilities. The time frame involved may be from six months to more than a year depending on the extent of the facilities to be constructed. The schedule may also contain administrative fines. Violations of the ECS can result in the next step consisting of additional administrative fines.

(G) *AF: Administrative fine.* An administrative fine would be used in the event all lower types of enforcement have failed. The next response step is court action. The administrative fine exists to avoid court activity but at the same time correct the problem. The maximum fine is \$2,500 per violation per day.

(H) *LIT: Litigation.*

(1) Litigation may become necessary in the event that all other efforts to resolve violations of this subchapter have failed. In such event, it may become necessary to file civil suits for injunctive relief and/or civil penalties, termination of service, etc. Since actions of this type would involve the court system, the City Attorney would handle the procedures for due process.

(2) The Wastewater Superintendent will be responsible for making a recommendation to the Board of Works to initiate litigation. The Superintendent will also be responsible for maintaining the records of all response procedures undertaken as well as the date of each response and any action taken by the industry.

(3) Every three months, the Superintendent shall be responsible for

reviewing the files to determine if there have been any significant noncompliance events and if so the Superintendent shall tabulate such events on an annual basis and see to it that the names of all significant noncompliant users are published in the local daily newspaper.

(I) *SNC: Significant noncompliance.* Significant noncompliance (SNC) events are user violations which meet one or more of the following criteria:

(1) Violations of discharge limits.

(a) Chronic violations: 66% or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period.

(b) Technical review criteria (TRC): 33% or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period. There are two groups of TRC's:

1. Group I: For conventional pollutants (BOD, TSS, fats, oil and grease, phosphorus, ammonia and pH). TRC = 1.4 x daily maximum limits.

2. Group II: For all other pollutants. TRC = 1.2 x daily maximum limits.

(c) Any other violation or violations of an effluent limit (average or daily maximum) that the Superintendent has determined has caused, alone or in combination with other discharges, interferences, slug loads or pass through or endangered the health of the treatment personnel or the general public.

(d) Any discharge of a pollutant which has caused imminent endangerment to human health or to the environment which resulted in the Superintendent exercising his emergency authority to halt or prevent such discharge.

(2) Violations of compliance schedule milestones contained in a local enforcement order for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled dates.

(3) Failure to provide reports for any compliance schedules, self monitoring data, baseline monitoring reports, and any other report due within 30 days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations that the Superintendent believes to be significant.
(Ord. 2008-2, passed 2-4-08)

§ 50.126 TIME FRAME FOR RESPONSES.

(A) All violations shall be identified and documented by the Superintendent within five working days of receiving noncompliance information.

(B) The Superintendent shall contact the industrial user within 30 days of violation detection and request information on corrective or preventative action taken.

(C) When a compliance schedule is required, the Superintendent shall notify the industrial user of the requirement within 30 days of violation detection.

(D) Violations which threaten health, property or environmental quality shall be considered emergencies and shall receive immediate responses such as halting the discharges or terminating service if deemed necessary by the Superintendent.

(E) Violations meeting the criteria for significant noncompliance (SNC) shall be addressed with an enforcement action within 30 days of significant noncompliance. (Ord. 2008-2, passed 2-4-08)

§ 50.127 ENFORCEMENT RESPONSE PROCEDURES.

The following information describes the enforcement response procedures of the City of Portland, Indiana.

(A) *Data collection.* This process involves the collection of all available information from inspections, monitoring, reporting, plant upsets and private complaints.

(B) *Compliance screening.* This process involves the review of all available information and monitoring data to sort out noncomplying dischargers for appropriate enforcement response. This initial review will assess compliance with required schedules, compliance with reporting features, and/or compliance with applicable categorical standards and local ordinances.

(C) *Emergency response.* If evaluation of the data reveals an emergency condition, the city will take whatever action required to bring the violator into compliance through immediate telephone contact with the discharger identifying the problem specifics and requesting immediate corrective measures. If required, more formal measures such as cease and desist orders, injunctive relief or termination of the service shall be placed into effect in order to achieve compliance or eliminate the problem.

(D) *Enforcement evaluation for noncompliance.* The violations and conditions identified during the screening process will be reviewed to make a determination relative to the nature of the violation and the type of enforcement necessary. This process is accomplished by using the criteria outlined in this subchapter.

(E) *Insignificant noncompliance.* This process consists of notifying the industrial user by letter of a violation (certified mail, return receipt requested). This letter outlines the specifics of the violation and seeks remedial action and response. The city will then evaluate the response and make a determination as to whether the discharger has achieved compliance. If compliance has not been achieved, the incident will return to enforcement evaluation for further action.

(F) *Significant noncompliance.* This process consists of notifying the industrial user by telephone and certified mail. The letter of violation outlines the specifics of the incident (more serious, chronic types of noncompliance as set out in this subchapter) and seeks remedial action and response of the industrial user. The city will then evaluate the response, reply to the letter of violation and determine whether the discharger has achieved compliance. If compliance is not achieved, the city will initiate formal enforcement action.

(G) *Formal action.*

(1) *Compliance schedules.* When the city finds that a discharge of wastewater has been taking place in violation of the requirements prescribed in this chapter and/or industrial pretreatment standards, the city may require the discharger through written notification (certified mail) to submit for approval a detailed compliance schedule of specific actions which the discharger shall take in order to prevent or correct a recurrence of said violations, including but not limited to milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the discharger to reach compliance. Such milestone dates would include employing an engineer, completing preliminary and final plans, executing contracts, starting construction, filing progress reports and completing construction. The discharger's response to this directive will then be evaluated to determine compliance. If compliance is not achieved, the enforcement action will proceed to cease and desist procedures.

(2) *Cease and desist.*

(a) When the city finds that the discharger has not reached compliance in a timely manner in accordance with the compliance schedule directive, the city following a discovery meeting with the discharger may issue an order to cease and desist and direct that the discharger:

1. Comply forthwith;
2. Comply in conformance with a compliance schedule set by the city; or
3. Take appropriate remedial or preventive action in the event of a threatened violation.

(b) The reply from the discharger to this directive will then be evaluated as to whether the discharger has achieved compliance. If compliance has not been achieved, the enforcement action will proceed to the courts requesting injunctive relief and imposition of civil penalties.

(3) *Injunction.* Further, when the city finds that a discharge of wastewater has taken place in violation of this chapter and/or industrial pretreatment standards, or otherwise

causes or threatens to cause a condition of pollution or nuisance, the city following a discovery meeting with the industrial user may petition to the court for issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such a discharge. Such dischargers having significantly violated their industrial users permit and/or the terms of this chapter are further subject to fines imposed by the city in amounts of not less than \$1,000 per day for each offense cited.

(4) *Civil penalties.* Any discharger who is found to have significantly violated or fails to comply with any enforcement action of this subchapter, and the orders, rules, regulations and permits issued hereunder may be fined not less than \$1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit of law against the discharger found to have significantly violated this chapter, orders, rules, regulations and permits issued. The dischargers response to this directive will then be evaluated to determine whether compliance has been achieved. If compliance has not been achieved, the enforcement action will proceed to show cause considerations.

(5) *Show cause.*

(a) Further, when a violation of this chapter or applicable pretreatment regulations occurs and is not corrected by timely compliance, the city may order any discharger to show cause, stating why permit revocation action should not be taken. A written notice shall be served on the discharger by a personal service, certified or registered mail, specifying the time and place of said hearing to be held by the city. The hearing will consider the violation, proposed enforcement action and reasons why the proposed enforcement action should not be taken. The notice of the hearing shall be served not less than ten days prior to the scheduled hearing.

(b) The dischargers response to this directive will then be evaluated to determine whether the discharger has achieved compliance. If compliance is not achieved, the enforcement action will proceed toward revocation of the industrial users discharge permit and subsequent termination of service.

(6) *Revoke permit.* Finally, the city for good cause suspend the wastewater treatment service and the wastewater discharge permit of a discharger when it becomes evident that an actual or threatened discharge presents or threatens an imminent or substantial danger to the environment, interference with the operation of the wastewater treatment, violates any pretreatment limits imposed by this chapter or any wastewater discharge permit issued by the city. Any discharger notified of the suspension of the city's wastewater treatment service and/or the dischargers wastewater discharge permit shall within a reasonable period of time, as established by the city, terminate all discharges.
(Ord. 2008-2, passed 2-4-08)

§ 50.128 NONCOMPLIANCE CATEGORIES SUBJECT TO ENFORCEMENT.

The following categories of noncompliance shall be subject to enforcement procedures:

(A) Failure to submit required reports (baseline monitoring report, self-monitoring reports, compliance reports, monthly reports).

(B) Failure to meet interim or final compliance schedule dates.

(C) Violations of maximum or average pollutant limits for industry specific categories (categorical standards).

(D) Violations of prohibited discharges under the national pretreatment standards. (40 CFR 403.5).

(E) Violations of local limits outlined in this chapter.

(F) Falsification of information submitted to the city.

(G) Treatment plant upsets and interferences determined to be caused by an industrial user.
(Ord. 2008-2, passed 2-4-08)

§ 50.129 DISCHARGE PERMITS.

The Superintendent may require new industrial users or existing users who plan to significantly increase their discharge volume and/or pollutant loading to apply for a discharge permit. The purpose of the permit is to determine the ability of the wastewater treatment plant to treat the discharge adequately. Wastewater discharge permits may contain but not be limited to the following:

(A) Limits on the average and/or maximum rate of discharge, rate of discharge, time of discharge and requirements for flow regulation.

(B) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.

(C) Requirements for the installation of pretreatment facilities, pollution control, or construction of appropriate containment facilities designed to reduce, eliminate or prevent the introduction of flow or pollutants to the treatment plant beyond the capacity of the treatment plant.

(D) Development and implementation of spill control plans, total toxic control plans or other special conditions including management practices necessary to prevent accidental or unanticipated discharges.

(E) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the treatment plant.

(F) Change the unit charge or schedule of the industrial user charges and fees for the wastewater discharged to the treatment plant.

(G) Requirements for installation and maintenance of inspection, sampling facilities and equipment.

(H) A statement that compliance with the wastewater discharge permit does not relieve the industrial user from compliance with all applicable federal and state pretreatment standards including those which become effective during the term of the discharge permit.

(I) Other conditions as deemed necessary by the Superintendent to ensure compliance with this subchapter, federal and state laws, rules and regulations.

(Ord. 2008-2, passed 2-4-08)

§ 50.130 SIGNIFICANT INDUSTRIAL USER.

A significant industrial user is any user subject to the categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N; and any other user that discharges an average of 25,000 gallons or more per day of process wastewater to the treatment plant (excluding sanitary, non-contact cooling water or boiler blow-down wastewater) or contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or is designated as such by the Superintendent on the basis that the industrial user has a reasonable potential for adversely affecting the performance of the treatment plant; or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f) (6).

(Ord. 2008-2, passed 2-4-08)

§ 50.131 SAMPLE COLLECTION AND ANALYSIS.

(A) Except as indicated below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Superintendent may authorize the use of time proportional sampling or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the wastewater being discharged. In addition, grab samples may be required to show compliance with daily maximum limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic compounds must be obtained by grab samples.

(C) All pollutant analysis and sampling must be performed in accordance with the techniques prescribed in 40 CFR Part 136 unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, the sampling and analysis may be performed in accordance with the provisions of the latest edition of Standard Methods.

(Ord. 2008-2, passed 2-4-08)

§ 50.132 TABLE OF NONCOMPLIANCE EVENTS.

The following tables describe typical noncompliance events and the range of response that would generally be issued to the industrial user for noncompliance.

Enforcement Response Guide		
Compliance Schedules (Construction Phases or Planning)		
Whenever a LOV is issued that requires a response and the industrial user fails to respond, the next level of enforcement should be undertaken.		
Noncompliance	Circumstances	Range of Response
Reporting false information	Any instance - SNC	AF, LIT penalties. Sewer ban
Missed interim date	Will not cause late final date or other interim dates	LOV, SV
Missed interim date	Will result in other missed interim dates. Violation for good or valid cause	LOV, SV, or AO
Missed interim date	Will result in other missed interim dates. No good or valid cause - SNC	LOV, AO, AF, or LIT
Missed final date	Violation due to strikes, act of God, etc.	Contact permittee and require documentation of good or valid cause; show cause
Missed final date	90 days or more outstanding. Failure or refusal to comply without good or valid cause	AO, AF, or LIT including penalty
Failure to install monitoring equipment	Continued - SNC	AO, AF to begin monitoring (using outside contracts, if necessary) <u>and</u> install equipment within minimal time
SNC denotes that the circumstances of a particular violation would generally be considered.		

Enforcement Response Guide		
Sampling, Monitoring and Reporting by the Industry		
Whenever a LOV is issued that requires a response and the industrial user fails to respond, the next level of enforcement should be undertaken.		
Noncompliance	Circumstances	Range of Response
Failure to sample, monitor or report (routine reports), baseline monitoring report	Isolated or infrequent	VTN, SC, or LOV requiring a report within 10 days
Failure to sample, monitor, report or notify	IU does not respond to letters, does not follow through on verbal or written agreement, or frequent violation - SNC	AO, ECS, AF, or LIT
Failure to notify of effluent limit violation or slug discharge	Isolated or infrequent. No known effects	VTN, SV, or LOV. If no response within 10 days, issue an AO
Failure to notify of effluent limit violation or slug discharge	Frequent or continued violation - SNC	SCH, AO, AF, or LIT including penalties
Failure to notify of effluent limit violation or slug discharge	Known environmental or POTW damage results - SNC	AF, LIT and penalties
Minor sampling, monitoring or reporting deficiencies (computational or typographical errors)	Isolated or infrequent	VTN, SV or LOV. Corrections to be made on next submittal. AO if continued
Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports)	Isolated or infrequent	SV, LOV, or AO. Corrections to be made on next submittal
Major or gross reporting deficiencies	Continued. Remains uncorrected 30 days or more - SNC	AO, AF or LIT
SNC denotes that the circumstances of a particular violation would generally be considered		

Enforcement Response Guide		
Discharge Limitations		
Whenever a LOV is issued that requires a response and the industrial user fails to respond, the next level of enforcement should be undertaken.		
Noncompliance	Circumstances	Range of Response
Exceeding final limits (categorical, local or prohibited)	Infrequent or isolated minor violation	VTN, SV or LOV
Exceeding final limits	Infrequent or isolated major violations exceed the limits by TRC of a single effluent limit	VTN, SV, LOV, AO, AF or LIT if environmental harm resulted including penalty
Exceeding final limits	Violation(s) which are SNC	AO, ECS, AF or LIT including penalty
Exceeding interim limits (categorical or local)	Without known damages	LOV or AO
Exceeding interim limits	Results in known environmental or POTW damage - SNC	AO, ECS, AF or LIT penalty
Reported slug load	Isolated without known damage	LOV, SCH or AO
Reported slug load	Isolated with known interference, pass through or damage - SNC	AO, AF or LIT including penalty
Reported slug load	Recurring - SNC	LIT including penalty
Discharge without a permit or approval	One time without known environmental or POTW damage	AO
Discharge without a permit or approval	One time which results in environmental damage or continuing violation - SNC	AO, AF or LIT and penalty. Request for criminal investigation
Discharge without a permit or approval	Continuing violation with known environmental or POTW damage - SNC	LIT and penalty. Request for criminal investigation and disconnect
SNC denotes that the circumstances of a particular violation would generally be considered		

Enforcement Response Guide		
Noncompliance Detected Through Inspections or Field Investigations by the City		
Whenever a LOV is issued that requires a response and the industrial user fails to respond, the next level of enforcement should be undertaken.		
Noncompliance	Circumstances	Range of Response
Minor violation of analytical procedures	Any instance	VTN, SV
Major violation of analytical procedures	No evidence of intent	LOV or AO
Major violation of analytical procedures	Evidence of negligence or intent - SNC	AO, AF or LIT and penalty (possible criminal action)
Minor violation of permit condition	No evidence of negligence or intent	VTN, SV, or LOV. Immediate correction required
Minor violation of permit condition	Evidence of negligence or intent - SNC	AO, AF or LIT and penalty (possible criminal action)
Major violation of permit condition	Evidence of negligence or intent - SNC	AO, AF or LIT and penalty (possible disconnect from sewer)
SNC denotes that the circumstances of a particular violation would generally be considered TRC denotes technical review criteria		

(Ord. 2008-2, passed 2-4-08)

VIOLATIONS

§ 50.140 NOTICE OF VIOLATION.

Any person found to be violating any provision of this chapter except § 50.007, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. (Ord. 1980-5, passed 3-24-80) Penalty, see § 50.999

§ 50.141 CONTINUING VIOLATIONS.

Any person who shall continue any violation beyond the time limit provided for in § 50.130 shall be guilty of a violation. (Ord. 1980-5, passed 3-24-80) Penalty, see § 50.999

§ 50.142 VIOLATOR SHALL BE LIABLE TO CITY FOR EXPENSES.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of the violation. (Ord. 1980-5, passed 3-24-80) Penalty, see § 50.999

§ 50.999 PENALTY.

(A) Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall

be guilty of a violation and on conviction thereof shall be fined in an amount not exceeding \$2,500 for each violation. Each day in which any violation shall continue shall be deemed a separate offense. (Ord. 1980-5, passed 3-24-80)

(B) (1) It is the policy of the City of Portland to establish an ongoing cooperative relationship with our industrial users that will result in discharge limits that will permit adequate treatment results at the wastewater treatment plant, compliance with the national pretreatment standards and the city's NPDES permit.

(2) In the event of failure to bring an industrial user into compliance with applicable discharge limits, the city at their discretion may levy fines for noncompliance ranging from a minimum of \$1,000 per day to the maximum allowed under division (A) above of \$2,500 per day. Each day the violation occurs shall be considered a separate offense.

(3) The level of enforcement will be determined by the following factors:

(a) The duration of the violation and the compliance history of the industrial user.

(b) Good faith efforts by the industrial user to achieve compliance.

(c) The harm caused by the violation. (Ord. 2008-2, passed 2-4-08)

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GENERAL PROVISIONS

§ 51.01 OWNER'S NAME AND ADDRESS TO BE FURNISHED; NOTICE OF CHANGE OF ADDRESS.

Application for utility service shall be made in writing at the city utility office. The applicant shall present a picture identification at the time of the application. On rental properties and on properties being purchased on contract, the property owner's signature and address must be furnished. (Res. 1982-5, passed 5-17-82; Am. Res. 1992-4, passed 11-16-92; Am. Res. 1997-5A, passed 11-3-97; Am. Ord. 2018-19, passed 9-17-18)

§ 51.02 LEAKS.

Should a customer have a water leak in the main line between the meter and the foundation in the ground, they may appeal for an adjustment on the sewage portion of their bill. They must present proof that the water leak has been repaired. The customer must call the Clerk-

Treasurer's office to get on the agenda for the Board of Public Works and Safety, present an invoice that shows the leak was fixed and bring the water bill that they are asking for an adjustment. A three-month average of the same period during the past year will be used to figure the adjustment.

(Res. 1982-5, passed 5-17-82; Am. Res. 1992-4, passed 11-16-92; Am. Res. 1997-5A, passed 11-3-97; Am. Ord. 2018-19, passed 9-17-18)

§ 51.03 WATER TO BE KEPT RUNNING TO AVOID FREEZING OF LINES.

At times of very cold weather, it is to a water user's advantage to keep water dripping to avoid freezing of lines. The cost of the water use will be at customer's expense.

(Res. 1982-5, passed 5-17-82; Am. Res. 1992-4, passed 11-16-92; Am. Res. 1997-5A, passed 11-3-97; Am. Ord. 2018-19, passed 9-17-18)

§ 51.04 PAYMENT IN LIEU OF TAXES.

The city elects to pay the city from water rates and charges payment in lieu of taxes as provided in IC 8-1.5-3-8.

(Ord. 1994-16, passed 11-7-94)

§ 51.05 WASTE OF WATER.

There shall be no waste of water for any purpose. When such conditions are found, the supply will be shut off until repairs have been made. Customers shall keep their own service pipes in repair and protect same from freezing at their own expense and must prevent all unnecessary waste of water.

(Ord. 2018-19, passed 9-17-18)

§ 51.06 NEW WELLS PROHIBITED.

The digging and construction of water wells for private use, whether commercial or residential, shall be prohibited within the corporate boundaries of the city. This shall not prohibit the use or repair of water wells that exist within the city at the time of the passage of this section.

(Ord. 2019-19, passed 9-17-18)

RATES AND CHARGES; BILLING

§ 51.15 RATES AND CHARGES.

There are established for the use of and the service rendered by the water works system of the city the following rates and charges based on the use of water supplied by the water works system:

(A) Consumption per month.

Gallons	Rate per 1,000 Gallons
First 5,000	\$ 4.90
Next 10,000	4.50
Next 20,000	3.66
Next 40,000	3.27
Next 75,000	2.87
Next 100,000	2.44
Next 150,000	2.06
Over 400,000	1.63

(B) Minimum charge per month. Each user shall pay a minimum monthly charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates.

Meter Size	Gallons Allowed	Charge per month
5/8-inch	2,499	\$ 12.25
3/4-inch	4,998	24.48
1-inch	6,351	30.56
1-1/4-inch	9,069	42.78
1-1/2-inch	13,142	61.08
2-inch	29,366	121.96
3-inch	47,379	183.00
4-inch	128,687	427.38
6-inch	339,804	917.08

(C) Public fire protection. The amount to be paid by the city for fire hydrant rental shall be \$406.74 per hydrant per year.

(D) Private fire protection. Hydrant rental each per annum, \$406.74.

(E) Sprinklers. Service under this rate shall consist of stand-by service for fire emergencies and all water taken through these connections shall be restricted to fire emergencies only. The Waterworks reserves the right to install flow detectors from time to time to see that the service is restricted to fire fighting purposes.

Size of Connection	Annual Rate Per Connection
2-inch line	\$ 91.17
3-inch line	179.16
4-inch line	270.33
6-inch line	456.00
8-inch line	895.82
10-inch line	1,726.18

(Ord. 1984-3, passed 6-4-84; Am. Ord. 1991-11, passed 7-1-91; Am. Ord. 1994-16, passed 11-7-94; Am. Ord. 2004-13, passed 10-18-04)

§ 51.16 DEPOSIT REQUIRED; APPLICATION OF DEPOSIT IN CASE OF NONPAYMENT OF SERVICE.

(A) A \$100 deposit for meters one and one-half inches or smaller, or \$250 deposit for meters greater than one and one-half inches in size must be made before service will be turned on. Meter deposits are nontransferable until all charges have been paid upon that address. (Am. Ord. 1018-19, passed 9-17-18)

(B) Any unpaid charges for municipal services due upon that address must be paid within 30 days of billing or water service will be discontinued. The customer is primarily responsible to pay all unpaid charges before service will be re-established for that customer. The owner of the address is secondarily responsible for all unpaid charges and must pay such charges to re-establish service for that address. If the city later collects the unpaid charges from the customer, the city will reimburse the owner of that address if the owner has paid the city for charges. (Ord. 1988-9, passed - -88; Am. Ord. 1991-11, passed 7-1-91; Am. Res. 1992-4, passed 11-16-92; Am. Ord. 1994-16, passed 11-7-94;

(C) In case of nonpayment of charges, the deposit will be applied to payment of recycling charges first then to water charges and then to wastewater charges. When service is discontinued and charges are paid in full, the deposit will be refunded after Council approval. The customer is primarily responsible to pay all unpaid charges before service will be reestablished for that customer. The owner of the address is secondarily responsible for all unpaid charges. If the city collects the unpaid charges from the customer, the city will reimburse the owner.

(Res. 1982-5, passed 5-17-82; Am. Res. 1992-4, passed 11-16-92; Am. Res. 1997-5A, passed 11-3-97; Am. Ord. 2004-13, passed 10-18-04; Am. Ord. 2018-19, passed 9-17-18)

§ 51.17 TAPPING FEES.

(A) Each user, in advance of the time he or she is connected with the water works system, shall pay a charge to cover the costs of tapping the main, furnishing and laying service pipe, corporation and stop cocks, service and meter box, and installing meter.

(B) The charge for a 5/8- or 3/4-inch meter tap shall be \$500. The charge for a tap larger than the 3/4-inch meter tap will be the cost of labor and materials, but not less than \$500.

(Ord. 1984-3, passed 6-4-84; Am. Ord. 1991-11, passed 7-1-91; Am. Ord. 1994-16, passed 11-7-94; Am. Ord. 2004-13, passed 10-18-04)

§ 51.18 TURN-ON FEE.

After any water service is discontinued to any property serviced by the waterworks utility because of failure to pay sewer or water bills, there shall be imposed a fee of \$35 for turning on the water service.

(Ord. 2004-13, passed 10-18-04)

§ 51.19 TEMPORARY USERS.

Water furnished to temporary users such as contractors, circuses, and the like, shall be charged on the basis of the metered gallon rates hereinbefore set forth as estimated and established by the Waterworks Superintendent.

(Ord. 1984-3, passed 6-4-84; Am. Ord. 1991-11, passed 7-1-91; Am. Ord. 1994-16, passed 11-7-94; Am. Ord. 2004-13, passed 10-18-04)

§ 51.20 RESERVED.

§ 51.21 RETURNED CHECKS CONSIDERED NONPAYMENT.

(A) Payment by check which is dishonored will be treated as nonpayment and water service will be turned off. A \$20 fee will be charged for each dishonored check. A reconnect fee of \$35 will also be charged for reconnecting of water service.

(B) Once a bad check is received as payment, all future payments shall be in the form of cash, money order, debit or credit card. Checks will no longer be an acceptable form of payment.

(Res. 1982-5, passed 5-17-82; Am. Ord. 1991-11, passed 7-1-91; Am. Res. 1992-4, passed 11-16-92; Am. Res. 1997-5A, passed 11-3-97; Am. Res. 2000-3, passed 10-2-00; Am. Ord. 2017-4, passed 2-20-17; Am. Ord. 2018-19,

passed 9-17-18)

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§ 51.22 RATES TO PROVIDE FOR REASONABLE RETURN ON WATER UTILITY PLANT AND OTHER EXPENSES.

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

(Ord. 1984-3, passed 6-4-84; Am. Ord. 1994-16, passed 11-7-94)

§ 51.23 LATE PAYMENT PENALTY.

(A) Bills are due on the 10th day of the month, if the 10th falls on a weekend or a holiday, the bill will be due on the following Monday. After the 10th of the month if charges are not paid, penalties per current rate ordinances will be applied.

(B) Disconnection of service. If the monthly bill is not paid by the 10th of the month, a past due notice will be mailed advising that the water service will be disconnected on the 25th of the month. Customer's failure to pay for water service at any location will result in the discontinuation of all water service with the city. Following the disconnection of water service, a reconnect charge of \$35 will be charged in addition to the past due bill. Reconnection will occur only after this has been paid.

(C) An extension or arrangements made in writing to pay a past due bill later than the due date may be made by the customer at the Clerk-Treasurer's office. The extension cannot exceed the next due date. Customers may only file four extensions per calendar year. (Res. 1992-4, passed 11-16-92; Am. Ord. 1994-16, passed 11-7-94; Am. Res. 1997-5A, passed 11-3-97; Am. Res. 2000-3 passed, 10-2-00; Am. Ord. 2004-13, passed 10-18-04; Am. Res. 2010-13, passed 10-4-10; Am. Ord. 2018-19, passed 9-17-18)

§ 51.24 REASON FOR DISCONTINUATION OF WATER SERVICE.

Customer's failure to pay for water service rendered at any location, shall be reason for discontinuation of all water service (which is their responsibility) with the city water utility.

(Res. 1992-4, passed 11-16-92)

§ 51.25 HEARING TO CONTEST DISCONTINUATION OF WATER SERVICE.

If a city utility customer desires to request a hearing contesting the fairness of disconnection for nonpayment of their utility bill, the customer must request such hearing in writing at the office of the Clerk-Treasurer, 321 N. Meridian Street, Portland, Indiana 47371, within seven days after the date of the mailing of the disconnect notice. (Ord. 2013-4, passed 4-15-13; Am. Ord. 2018-19, passed 9-17-18)

§ 51.26 AFTER HOURS SERVICE.

After hours service for nonworking hours or weekends, will be charged at \$35 per call. (Res. 1997-5A, passed 11-3-97; Am. Res. 2000-3, passed 10-2-00; Am. Ord. 2018-19, passed 9-17-18)

§ 51.27 SUMMER SPRINKLING CREDIT.

Applicable to single family domestic and residential users of sewage service. Sewage usage for the summer months of June, July, and August shall be based upon the water usage for the previous months of December, January, and February, and the sewage billing shall be based on the lesser flow of actual summer month or the previous corresponding winter months.

(Res. 1997-5A, passed 11-3-97; Am. Ord. 2018-19, passed 9-17-18)

WATER METERS

§ 51.35 READING METERS; EXCEPTION.

Water meters will be read on computer on the first working day of the month. If a smart point is not working to get a reading, the bill will be estimated on a six-months average.

(Res. 1982-5, passed 5-17-82; Am. Res. 1992-4, passed 11-16-92; Am. Res. 1997-5A, passed 11-3-97; Am. Ord. 2018-19, passed 9-17-18)

§ 51.36 TAMPERING FEES.

Any owner or user tampering with meters restoring water service by other than an authorized city utility employee will be subject to a penalty of \$50 plus cost of any repairs plus water and wastewater charges at a six-month average for the period of unauthorized use.

(Res. 1982-5, passed 5-17-82; Am. Res. 1992-4, passed 11-16-92; Am. Ord. 1994-16, passed 11-7-94; Am. Res. 1997-5A, passed 11-3-97; Am. Res. 2000-3, passed 10-2-00; Am. Ord. 2004-13, passed 10-18-04) Penalty, see § 51.99(B)

CROSS CONNECTION CONTROL

§ 51.45 DEFINITION.

A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city water system, and the other from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. (Ord. 1992-12, passed 10-5-92)

§ 51.46 ESTABLISHMENT AND MAINTENANCE OF CROSS CONNECTION PROHIBITED.

No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the city Water Department and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10. (Ord. 1992-12, passed 10-5-92) Penalty, see

§ 51.99

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§ 51.47 INSPECTION OF CROSS CONNECTIONS.

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

(B) Upon presentation of credentials, the representative of the Water Department shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the city for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.
(Ord. 1992-12, passed 10-5-92)

§ 51.48 DISCONTINUATION OF SERVICE.

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

(B) If it is deemed by the Water Department that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that fact is filed with the City Clerk and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within ten days of such emergency discontinuance with the Board of Works of the city.
(Ord. 1992-12, passed 10-5-92)

§ 51.49 CONSUMERS REQUIRED TO INSTALL AND MAINTAIN BACKFLOW PREVENTER.

All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users shall install and maintain a reduced-pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.
(Ord. 1992-12, passed 10-5-92) Penalty, see § 51.99

§ 51.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not already otherwise provided shall be subject to a fine of not more than \$2500 for each offense.

(B) Whoever shall violate § 51.36 shall be subject to a penalty of \$50 plus cost of any repairs plus water and wastewater charges at a six months average for the period of unauthorized use. (Res. 1982-5, passed 5-17-82; Am. Ord. 1991-11, passed 7-1-91; Am. Res. 1992-4, passed 11-16-92; Am. Ord. 1994-16, passed 11-7-94; Am. Res. 1997-5A, passed 11-3-97)

Section

- 52.01 Definitions
- 52.02 Containers
- 52.03 Collection of domestic trash only
- 52.04 Limitations on collection
- 52.05 Collection schedule
- 52.06 Placement of containers
- 52.07 Accumulation of garbage and rubbish prohibited
- 52.08 Burning regulated
- 52.09 Noncompliance
- 52.10 Mowing and sweeping

- 52.99 Penalty

§ 52.01 DEFINITIONS.

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

"DOMESTIC USE." Garbage or rubbish, as defined herein, generated by each single-family residence or apartment building of four units or less within the city limits.

"GARBAGE." All and every refuse accumulation of animal, fish, fowl, fruit, or vegetable matter that results from the preparation, use, cooking, or storage of meat, fish, fowl, fruit, or vegetable, and shall include such materials drained and wrapped in paper or its equivalent. It shall also include and mean tin cans, glass, bottles, and broken crockery, that have been used as food or beverage containers.

"RUBBISH." Such materials as ashes, cans, metalware, broken boxes, wood, leaves, grass, weeds, or litter of any kind, including specifically, but not by way of limitation: used building materials such as concrete, bricks, plastering laths, timbers, and all other substances discarded by a householder or apartment dweller which may be deposited in refuse cans or other suitable containers as hereinafter provided.
(Ord. 1986-2, passed 1-20-86)

§ 52.02 CONTAINERS.

(A) Except as otherwise provided in this chapter, all garbage and rubbish to be collected by the city's refuse collection crews, shall be placed in containers, or placed in securely tied heavy duty plastic garbage bags with no more than 40 pounds in any container. Containers shall be of no less than five-gallon nor more than 30-gallon capacity.

(B) All containers, other than plastic bags, shall be constructed of heavy duty plastic or metal; shall have lids sufficient to inhibit the entry of water; and shall have handles of sufficient strength to bear the content's weight while being lifted.

(C) Plastic bags shall be filled no more than six inches from the top and securely tied to facilitate handling.

(D) Garbage and refuse not in the aforementioned types of containers or bags or garbage or refuse whose containers have broken, and the contents scattered on the ground, shall not be picked up, except as hereinafter provided. Rubbish susceptible to being bundled, such as newspapers, may be in securely tied bundles capable of being lifted by one man.

(E) Garbage and rubbish may be placed in the same container subject to the above outlined size limitations.

(F) Garbage and rubbish will not be collected if frozen in the container, or if the container is frozen to the ground.

(G) Cardboard boxes within the size restrictions outlined above can be used as containers provided they can be lifted by one man. Such boxes will not be collected if water soaked by weather or wet garbage.
(Ord. 1986-2, passed 1-20-86) Penalty, see § 52.99

§ 52.03 COLLECTION OF DOMESTIC TRASH ONLY.

(A) All garbage and rubbish placed in the types of container outlined in § 52.02 shall be collected without regard to the number of containers at a given pick-up place, so long as the material is generated by domestic use, subject to the limitations of § 52.04.

(B) There shall be no collection of any garbage, rubbish, household rubbish, or any other waste or residue of whatsoever kind, character, or description from any business or industrial establishment.
(Ord. 1986-2, passed 1-20-86) Penalty, see § 52.99

§ 52.04 LIMITATIONS ON COLLECTION.

(A) Other provisions of this chapter notwithstanding, rubbish of exceptional size or weight will not be collected as a part of regular refuse pick up. Such excluded materials would include but not be limited to, construction or demolition debris, large items of furniture or large appliances except as hereinafter provided, tree limbs or brush except as hereinafter provided, cement blocks, bricks, or timbers.

(B) Division (A) above shall be interpreted in a reasonable manner by the Street Department, and the term "large" as used herein shall be construed to mean as having a volume of more than one cubic yard.

(C) Tree branches, brush, plant stalks, and shrubs of not more than four inches in diameter and cut up into no more than three-foot lengths and bound into bundles, with each bundle no more than 40 pounds shall be picked up as part of the regular pick up schedule.

(D) Large items of furniture or large appliances shall only be picked up as part of the spring clean-up using Street Department trucks and equipment.
(Ord. 1986-2, passed 1-20-86)

§ 52.05 COLLECTION SCHEDULE.

(A) Garbage and refuse will be picked up at least once each seven days from each single-family residence or apartment unit in buildings of four units or less within the city limits.

(B) Collection schedule will be determined by the Street Department. Initial collection schedules and amendments thereto will be publicly announced at least seven days in advance of implementation. Such announcement will be made through the local media, but does not require legal publication.
(Ord. 1986-2, passed 1-20-86)

§ 52.06 PLACEMENT OF CONTAINERS.

(A) Collection of garbage and refuse shall be made at ground level within five feet adjoining the designated improved and passable alley when available or at an easily designated accessible spot within five feet of the front curb or front street if no curb.

(B) Garbage and refuse in containers as provided by this chapter shall be placed as provided in division (A) above no earlier than 6:00 p.m. on the day preceding the collection day and before 7:00 a.m. on the day of collection.
(Ord. 1986-2, passed 1-20-86) Penalty, see § 52.99

§ 52.07 ACCUMULATION OF GARBAGE AND RUBBISH PROHIBITED.

(A) The owner, occupant, or lessee of any premises located within the city shall remove from the premises all garbage and rubbish and keep the premises clear from any accumulation.

(B) Residents who fail to comply with this chapter or who, as a result, allow garbage or rubbish to remain upon any alley, street or public way, or allow such garbage or rubbish to remain in a visible and unsightly manner will be subject, in addition to the charges hereinafter provided, to such other penalties as are provided in § 52.99 or by state law.
(Ord. 1986-2, passed 1-20-86) Penalty, see § 52.99

§ 52.08 BURNING REGULATED.

(A) No person shall burn any garbage or rubbish in the city except in incinerators approved by the State Board of Health or with a permit to burn from the State Board of Health. Burning in open barrels or other types of open containers is prohibited.

(B) Residential burning is where a residence contains four or fewer units. Residential burning shall be allowed only when in compliance with all of the following conditions:

(1) Burning shall be in a noncombustible container with enclosed sides, a bottom, and a mesh covering with openings no larger than ¼" square;

(2) No burning shall be conducted during unfavorable meteorological conditions, such as temperature inversions, high winds, air stagnation, etc. This list is to provide examples only and is not exhaustive or exclusive;

(3) Burning shall be conducted only during daylight hours,

(4) Fires shall be attended at all times until completely extinguished;

(5) Only biodegradable products shall be burned. Burning of garbage or plastics is prohibited;

(6) If burning creates an air pollution problem, a nuisance, or a fire hazard, the burning shall be extinguished immediately;

(7) Fire shall not be ignited with fuel, oil, kerosene or any other petroleum or smoke-producing material; and

(8) Burning is prohibited in apartment complexes, mobile home parks, and commercial businesses.
(Ord. 1986-2, passed 1-20-86; Am. Ord. 2000-2, passed 2-7-00) Penalty, see § 52.99

§ 52.09 NONCOMPLIANCE.

(A) In all cases where there is found to be noncompliance with the provisions of this chapter, except violations of §§ 52.07 and 52.08, the owner of the property found to be in non-compliance shall be notified by notice sent by certified mail.

(B) Said notice shall briefly describe the nature of the noncompliance and indicate what corrective action is required.

(C) The property owner so notified will have five days from receipt of the notice to take the corrective action indicated.

(D) Should the corrective action not be taken within the time specified herein, the city shall take such action at the expense of the property owner involved.

(E) The charge assessed against the property owner described in division (D) of this section will be based upon the cost to the city and may include, but not be limited to, labor and equipment costs of city employees and machinery; costs charged to the city by private individuals or firms contracted by the city to perform the required corrective action. In no case shall the charge be less than \$75.

(F) A billing statement outlining the charges incurred by the city shall be sent to the property owner in noncompliance. Should arrangements not be made to pay these charges within ten days of the mailing of the billing, the city may commence action under § 52.99. (Ord. 1986-2, passed 1-20-86)

§ 52.10 MOWING AND SWEEPING CHARGES.

(A) The Street and Sanitation Department is requested from time to time to mow and/or sweep, which will be billed to the customer as follows:

Sweeping \$50 per hour with one hour minimum.
Mowing \$50 per hour with one hour minimum.

(B) Any such charges delinquent more than six months will be processed as a tax lien. (Res. 1982-12, passed 10-18-82)

§ 52.99 PENALTY.

There is hereby imposed the following penalties for violation of this chapter.

(A) Any person, firm, organization, corporation, or entity who shall violate § 52.07 or 52.08 shall upon conviction be fined not less than \$25 nor more than \$500 for each violation. Each day in which any violation continues shall be deemed a separate offense.

(B) Any charges imposed under § 52.09 and remaining unpaid for a period of 30 days following notice of such assessment shall be filed as a lien upon the property where the noncompliance occurred. Such lien shall include any charges imposed under § 52.09(E) and any fines and costs imposed under division (A) of this section.

(C) The City Clerk shall file a notice of said lien in the miscellaneous records of the Jay County Recorder's Office and send a copy of said lien to the owner of the property as last shown on the tax duplicates for the owner of said property in the office of the Auditor of Jay County. Said lien shall be filed within 90 days after the assessment of any costs by the city under § 52.09(E) or any fine imposed under division (A) of this section.

(D) Such lien notice shall reasonably notify the property owner of the time and place of said violation, the amount of the lien imposed, and the total cost of clearing said lien including the cost of filing thereof.

(Ord. 1986-2, passed 1-20-86)

Section

53.01 Definitions
 53.02 Mandatory recycling
 53.03 Collection of recyclable materials
 53.04 User fee

53.99 Penalty

§ 53.01 DEFINITIONS.

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

"NON-RECYCLABLE MATERIALS." The same meaning as "garbage" and "rubbish" defined in Chapter 52 of the Portland Code of Ordinances.

"RECYCLABLE MATERIALS." Newspapers, magazines, corrugated cardboard, other paper of any kind, glass, plastic, plastic bottles and all other materials which hereafter may be defined as recyclable by the city.

"RESIDENCE." Any occupied single-family dwelling and each unit within a multiple-family dwelling of four units or less within the city limits.
 (Ord. 2019-1, passed 4-15-19)

§ 53.02 Mandatory Recycling.

All occupants of residences in the city, from and after the effective date of this chapter, shall be required to separate the solid waste from their residences into two categories: recyclable materials and non-recyclable materials.
 (Ord. 2019-1, passed 4-15-19)

§ 53.03 COLLECTION OF RECYCLABLE MATERIALS.

(A) The city or its duly authorized contractor will provide plastic bags to each residence in the city. Recyclable materials shall be placed in the provided plastic bags for proper collection and disposal. Non-recyclable materials shall be placed in separate plastic bags or approved containers to be provided by the residence for collection and disposal.

(B) The city or its duly authorized contractor shall collect and dispose of both recyclable materials and non-recyclable materials from every residence in the city upon a weekly basis.
 (Ord. 2019-1, passed 4-15-19)

§ 53.04 USER FEE.

(A) Each single-family residence or apartment unit in buildings of four units or less within the city limits shall be assessed a user fee of \$5.50 per month per unit which shall be applied to the cost of collection and disposal of recyclable materials and non-recyclable materials, whether or not any recyclable material or non-recyclable material is actually collected from the residence.

(B) Billing for the user fee will be incorporated with and collected in the same manner as water and sewer fees. Any payment received shall first be applied to the user fee and then to water and sewer fees. All funds collected under these provisions shall be kept in a separate fund and shall be used solely for the costs associated with the collection and disposal of recyclable materials and nonrecyclable materials. The city may from time to time change by ordinance the user fee provided herein to reduce any excess accumulation of funds in said account or to increase said account to remove a deficit.

(Ord. 2019-1, passed 4-15-19)

§ 53.99 PENALTY.

(A) Any person violating any requirement of this chapter shall be fined upon conviction not less than \$25 nor more than \$500. Each day any such violation occurs or continues shall constitute a separate and distinct violation.

(B) After the tenth day of each month, if the user fee is not paid then a penalty of 10% of the amount due shall be added.
 (Ord. 2019-1, passed 4-15-19)

Section

- 54.01 Purpose
- 54.02 Intent
- 54.03 Construction policy
- 54.04 Procedure for public improvements

§ 54.01 PURPOSE.

It is the desire of the Common Council to establish policies regarding the construction and/or replacement of public works in the city, including streets, curbs, alleys, walks, street lights, storm sewers, sanitary sewers, water lines, and it is the purpose of this chapter to set forth these policies.
(Ord. 1995-5, passed 7-17-95)

§ 54.02 INTENT.

(A) It is the basic position of the city that public works facilities and improvement, hereinafter defined as streets, curbs, alleys, walks, street lights, storm sewers, sanitary sewers, and water lines shall be constructed for the convenience and benefit of the properties that said public works facilities serve. Further, that the cost of constructing said public works facilities shall be the primary responsibility of those properties receiving the benefit from such facilities. These facilities shall be constructed in accordance to city specifications.

(B) It is not the policy of the city to provide these public works facilities for any property or at any location at no cost to the properties receiving the benefit from said facilities.
(Ord. 1995-5, passed 7-17-95)

§ 54.03 CONSTRUCTION POLICY.

(A) Streets, curbs and alleys. It is expected that each property owner and/or property developer receiving the service and use of streets, curbs and alleys shall pay on a pro rata share cost basis for the initial improvement or construction of these public works facilities. Once constructed and accepted by the city, the city shall be responsible for routine and periodic maintenance. The city will use Motor Vehicle Highway, Local Roads and Streets, or other funds or taxes for the maintenance and reconstruction of improved streets, curbs and alleys, as available and allocated in an approved capital improvements plan.

(B) Walks. Construction of sidewalks shall be the responsibility of the abutting property owner. Furthermore, all property owners must be responsible for maintenance of the walks. For new land development projects such as new housing, commercial or industrial subdivisions, the developers shall be responsible for the cost and installation of sidewalks if required. The city, in its discretion, may elect to participate in the reconstruction of sidewalks in residential areas where funds for such purposes are available and such

improvements are deemed by the city to be of benefit to the city in general.

(C) Street lights. The city may provide street lighting as funds permit in a standard street lighting form. These shall be single alley or street lights installed with underground wiring wherever feasible as determined by the utility. Lighting policy will have a light at every intersection and a light will be installed in the middle of all blocks over 500 feet in length. If any property owner or owners should desire to have ornamental lighting in lieu of the standard lighting, they shall be required to pay the increased cost. Developers, including developers of new subdivisions, multi-family dwellings and apartments, are responsible for the cost and installation of street lighting.

(D) Storm sewers. Storm sewers shall be designed and constructed to serve the watershed area. The cost of storm sewers shall be prorated over the benefitted property owners in a manner consistent with Barrett Law or other assessment procedures provided by state statute to the city. The city shall seek federal, state and county funding, where possible, to assist in these costs. For new land development projects, such as new housing, commercial or industrial subdivisions, the developers shall be responsible for the cost and installation of storm sewers.

(E) Sanitary sewers. Sanitary sewers will be available to be extended for the benefit to serve additional properties. The cost shall be prorated to the benefitted property owners in a manner consistent with Barrett Law or other assessment procedures provided by state statute to the city. The city will also seek federal and state funding, where possible, to assist in these costs. For new land development projects, such as new housing, commercial or industrial subdivisions, the developers shall be responsible for the cost and installation of sanitary sewers.

(F) Water lines. Water lines shall be available to be extended for the benefit to serve additional properties. The cost shall be prorated to the benefitted property owners in a manner consistent with Barrett Law or other assessment procedures provided by state statute to the city. The city will also seek federal and state funding, where possible, to assist in the sharing of these costs. For new land development projects, such as new housing, commercial or industrial subdivisions, the developers shall be responsible for the cost and installation of water lines.

(G) Other matters. Where the tangible and intangible benefits to the city of proposed development, determined by the discretion of the Common Council, are to be derived from the development, the city may bear some, or all of the costs of extending utility service to the development.
(Ord. 1995-5, passed 7-17-95)

§ 54.04 PROCEDURE FOR PUBLIC IMPROVEMENTS.

(A) Whenever a property owner or owners or developer should desire the construction of public improvements, they shall first petition the City Board of Works. This petition shall clearly state the type of public improvement desired and its location, and shall be signed by the property owners making such a request. The procedure outlined in the city's subdivision control ordinance shall also be followed in the case of new development.

(B) Upon receiving the petition, the City Board of Works will review existing facilities in the area and prepare a preliminary cost estimate for the public facilities requested and make a determination of the available funds to assist in any cost-sharing of these public improvements. Upon completion of this determination, the City Board of Works shall then inform the petitioner(s) and other affected property owners, who will be expected to cost-share in the public works aspect of the proposed project and the Board's finding, including the estimated cost.

(C) The Common Council and the Board of Works, after consultation with the developer and/or property owner, may determine whether or not to proceed with the project. If the decision is made to proceed with the project, the terms and conditions of the city's participation shall be set forth in writing and signed by the appropriate city official and the developer and/or the affected property owners. The city shall then follow the applicable state statutes for the construction of public improvements and complete the project accordingly.
(Ord. 1995-5, passed 7-17-95)