

## CHAPTER 51: SEWERS

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**SEWER REGULATIONS****' 51.01 DEFINITIONS.**

Except as otherwise herein provided, the definitions contained in Ordinance 1-77, entitled "An Ordinance Regulating the Use of Public and Private Sewers and Drains and the Discharge of Wastes Into the Public Sewer Collection System, and Providing Penalties for Violations Thereof," shall be incorporated by reference as though fully set forth herein. For the purpose of this chapter the following definitions shall also apply unless the context clearly indicates or requires a different meaning.

**SANITARY SEWAGE.** Waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water carried waste except industrial waste.

**SANITARY SEWER.** A sewer intended to receive domestic sewage and treated or weak industrial waste without the admixture of surface or storm water.

**SEWAGE SYSTEM.** Consisting of sanitary sewers and combined sewers.

**STORM WATER SEWER.** A sewer intended to receive storm and surface water, street wash, or drainage, but exclude domestic sewage or industrial wastes.  
(64 Code, ' 111.1) (Ord. 1681, passed 6-9-43; Am. Ord. 2450, passed 9-23-60; Am. Ord. 73-76, passed 2-10-77; Am. Ord. 13-93, passed 5-13-93)

**' 51.02 [RESERVED].****' 51.03 LICENSED PERSONS TO DO WORK.**

No building sewer shall be laid, altered, or repaired except by or under the supervision of a person licensed by the city to do such work.  
(64 Code, ' 111.3) (Ord. 1681, passed 6-9-43) Penalty, see ' 51.99(A)

**' 51.04 PERMIT REQUIRED FOR SEWER CONNECTIONS OR TAPS.**

A permit shall be secured from the City Engineer and Plumbing Inspector by the owner of the property or by his authorized agent before connecting to or tapping a municipal sewer or altering or laying a building sewer to or from any sewer which is a part of the municipal sewerage system. Application for a permit shall be made on a blank form furnished for that purpose. Each application shall give the precise location of the property, the name of the owner, and the name of the person employed to do the work. No permit shall be deemed to authorize anything that is not stated in the application. When the permit has been granted, the city shall through its duly constituted authority designate the position or location of the lateral in the street.  
(64 Code, ' 111.4) (Ord. 1681, passed 6-9-43; Am. Ord. 35.02, passed 8-8-02; Am. Ord. 53-08, passed 12-11-08) Penalty, see ' 51.99(A)

**' 51.05 SEWER PIPES.**

Material for the building sewer shall be of a material approved by the building commissioner and shall conform to all current applicable rules,

requirements, specifications and guidelines as updated and approved by all governing regulatory agencies and sanctioned/recognized testing and underwriting entities. A minimum 4" diameter pipe is acceptable for one and two-family dwellings. All other structures shall require a pipe size not less than 6".

('64 Code, ' 111.5) (Ord. 1681, passed 6-9-43; Am. Ord. 16-97, passed 3-13-97) Penalty, see ' 51.99(A)

#### ' 51.06 CONNECTION AT MAINLINE SEWER.

The connection between the building sewer and the municipal sewer shall be made at the lateral, provided there is one. If no lateral was left in the municipal sewer for the building sewer and the municipal sewer is not over 12 inches in diameter, a lateral shall be installed in the municipal sewer at the desired location by the owner of the building sewer. Where the municipal sewer is over 12 inches in diameter and where no lateral was left for the building sewer, a hole may be cut in the municipal sewer large enough to receive the end of the building sewer and the connection made so that the building sewer enters the municipal sewer at an angle of about 45 degrees, a 45-degree ell may be used to make this connection. In no case shall the spigot end extend past the inside surface of the municipal sewer. A smooth joint shall be made and the connection made secure and water tight by encasing with concrete. The person securing the permit shall notify the Plumbing Inspector and City Engineer of the city when the work will be completed and ready for an inspection. No backfill shall be placed over any connection made with the municipal sewer until it has been inspected and approved by the above named officers or their authorized representative. The officer shall make the inspection within 30 hours after receiving notice that the connection is made and ready for inspection.

('64 Code, ' 111.6) (Ord. 1681, passed 6-9-43; Am. Ord. 53-08, passed 12-11-08) Penalty, see ' 51.99(A)

#### ' 51.07 GRADE OF PIPE.

The grade of the building sewer shall not be less than 1/4 inch per foot for six-inch pipe and not less

than 1/8 inch per foot for pipe eight inches or over in diameter. All pipe shall be laid on a uniform grade and where possible, on a straight line. Where the building sewer cannot be laid on a straight line, curved pipe shall be used for every deflection from a straight line of more than three inches per foot. All joints between two sections of pipe shall be made tight by the use of suitable jointing material.

('64 Code, ' 111.7) (Ord. 1681, passed 6-9-43) Penalty, see ' 51.99(A)

#### ' 51.08 BARRICADES; BACKFILLING.

Proper barricades and lights shall be maintained on the banks of the trenches and street cuts to guard the public against accidents during the progress of the work. In backfilling the material shall be carefully placed and packed around the pipe to provide a uniform bearing and to keep the pipe in proper position. No stones, brick, or the like shall be used in the backfill until there has been a depth of at least 18 inches of fine earth or gravel placed over the pipe. If blasting of rock is required in excavating, the utmost precaution shall be used to cover the blast with suitable cover such as mats, timber, or brush so that life and property in the vicinity will not be jeopardized.

('64 Code, ' 111.8) (Ord. 1681, passed 6-9-43; Am. Ord. 53-08, passed 12-11-08) Penalty, see ' 51.99(A)

#### ' 51.09 MAINTENANCE AND REPAIR RESPONSIBILITY.

(A) *The owner=s responsibility.* The property owner shall be responsible for the installation, repair and maintenance of his or her building sewer (lateral), from his or her building to and including the connection to the sanitary sewer main. This responsibility shall include any road and street repair required to make repairs or to reach the sanitary sewer main.

(B) *City responsibility.* The city shall be responsible for the repair and maintenance of the sanitary sewer main. The city=s responsibility shall not

include any work related to the owner's building sewer (lateral).  
(Am. Ord. 53-08, passed 12-11-08)

**' 51.10 ORGANIC WASTE; SEPTIC TANKS.**

(A) It shall be unlawful for any owner or lessee of any lot or parcel of land within the city, to place, deposit, or permit to be deposited, any human excrement, garbage, or any other organic waste on the premises in such a way or place that the same is exposed to flies, rodents, small domestic animals, or that it will endanger a water supply.

(B) It shall be unlawful to construct any privy, privy vault, cesspool, or septic tank intended for, or subject to, receiving human excrement wherever a public sanitary or combined sewer is located in any street or alley adjacent to, or within 300 feet of any lot or parcel of land. Where a sanitary or combined sewer is located in any street or alley adjacent to, or within 300 feet of any lot or parcel of land on which is located any privy, privy vault, cesspool, or septic tank intended for, subject to receiving human excrement, the privy vault shall be removed and the privy vault, cesspool, or septic tank shall be filled with earth. However, where municipal sewage treatment is not available, a septic tank may be constructed maintained, as determined by the Madison County Health Department.

(C) Where a sanitary or combined sewer is not located in any street or alley adjacent to, or within 300 feet of any lot or parcel of land on which is located an inhabited dwelling, business house, boarding house, lodging house, eating place, tenement, shop, factory, public hall, place of amusement, or any other building in the city, a water flush toilet, or a sanitary privy of the type of construction approved by the State Board of Health shall be provided by the owner or agent of the premises. Where a water-flush system of excreta disposal is installed or is in use, which is not connected to the public sewer system, there shall be installed a private sewage disposal plant consisting of a septic tank and a system of underground drainage

for the disposal of the septic tank effluent. The sanitary privy, water-flush toilet, and private disposal plant shall be constructed and maintained in an approved manner as described and illustrated in Bulletins No. 8 and 11, of the Bureau of Sanitary Engineering of the Indiana State Board of Health, copies of which are herewith incorporated as a part of this section.

('64 Code, ' 111.10) (Ord. 1681, passed 6-9-43; Am. Ord. 53-08, passed 12-11-08) Penalty, see ' 51.99(A)

**' 51.11 STREAM POLLUTION.**

(A) It shall be unlawful for any corporation, association, partnership, person, or any other legal entity to throw, run, drain, or otherwise dispose into any of the streams or public waters within the city or into any sewer or drain connected thereto any oils, greases, fats, acids, chemicals, iron or mineral wastes, garbage, dead animals, rags, hair, or any other organic or inorganic matter that shall cause or contribute to the pollution of such waters whereby the public health may be jeopardized, or whereby any lawful use of such waters may be lessened, impaired, or materially interfered with, or whereby the color of the water will be changed and made unsightly, or whereby fish life or any other beneficial animal or vegetable life in the waters may be destroyed or the growth or propagation thereof prevented or injuriously affected.

(B) All new or replacement water mains, valves, and other appurtenances, and all new or replacement sewers, manholes, and other appurtenances constructed or reconstructed in a flood hazard area as defined in Chapter 160 shall be designed and constructed as to minimize or eliminate infiltration of flood waters into these systems and discharges from these systems into flood waters except as permitted by permit from the state or the federal government.

('64 Code, ' 111.11) (Ord. 1681, passed 6-9-43; Am. Ord. 58-79, passed 11-20-79; Am. Ord. 8-80, passed 3-13-80) Penalty, see ' 51.99(A)

**' 51.12 RIGHT OF ACCESS.**

The Sewage Treatment Works Superintendent or his authorized representatives shall have right of access at any reasonable hour to any premises from which a sewer or sewerage system is connected to a public sewer for the purpose of collecting sewage waste samples and of inspecting the sewer or sewerage system including sewage treatment works so connected.

('64 Code, ' 111.12) (Ord. 1681, passed 6-9-43)  
Penalty, see ' 51.99(A)

 **' 51.13 REGULATION OF COMBINATION SEWERS.**

(A) It shall be unlawful to construct a new combined sewer after February 8, 1990.

(B) Any inflow/clearwater connection to a combined sewer made after February 8, 1990 shall be designed to minimize or delay inflow contribution to the combined sewer.

(C) Any inflow/clearwater connection to a combination sewer made after February 8, 1990 shall be made separate and distinct from sanitary waste



connections to facilitate disconnection of the former if a separate storm sewer subsequently becomes available. (Ord. 8090, passed 2-8-90)

' **51.14 RIGHT OF REVISION.**

The agency reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on the discharge to the POTW if deemed necessary to comply with the provisions in ' ' 51.51 and 51.53. (Ord. 13-83, passed 5-13-93)

' **51.15 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.**

The national categorical pretreatment standards found at 40 CFR Chapter I Subchapter N Parts 405-471 are hereby incorporated by reference as if herein set out in whole. Upon the promulgation of National Category Pretreatment Standards for a particular industrial subcategory, the National Pretreatment Standard, if more stringent than limitations imposed under this section for sources in that category, shall immediately supercede the limitations imposed under this section. (Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02)

' **51.16 STATE OF INDIANA REQUIREMENTS.**

The state pretreatment standards located at 327 IAC 5-16 through 327 IAC 5-21 inclusive, are hereby incorporated as if herein set out in whole. (Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02)

**SEWER REVENUE**

' **51.20 SEWAGE RATES.**

(A) (1) *Classification of users.*

(a) **COMMERCIAL USER.** Shall include users which are commercial and business operations and which are not Industrial Users, Inter-Municipal Users or Institutional Users.

(b) **INDUSTRIAL USER.** Shall include users which are primarily manufacturers or processors of materials. Users not otherwise falling within this classification may be included in this customer class if the wastewater contributed by the user possesses excess strength or toxics in excess of limits described hereinafter. A user otherwise falling within this classification may be excluded if it is determined by the city that such user will introduce primarily segregated domestic waste or waste from sanitary conveniences.

(c) **INTER-MUNICIPAL USER.** Shall include customers that are cities or towns other than the city, and any user which is provided service on a wholesale basis. Inter-Municipal Users shall be billed based upon sewer meter readings rather than water consumption. The rates for Inter-Municipal Users are set forth in division (A)(3) below and not division (A)(2) below.

(d) **INSTITUTIONAL USER.** Shall include users which are churches or religious institutions, charities, schools and all other users that do not otherwise fall within one of the other customer classifications.

(e) **RESIDENTIAL USER.** Shall include users that discharge primarily normal domestic sewage, as herein defined, into the system from a lot, parcel, real estate or building used for domestic dwelling purposes only.

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Note: Any questions or disputes concerning which customer classification applies to a particular user shall be determined by the Board of Public Works.

(2) *User volume charges.* This section shall apply to the classes of users identified herein. The water usage schedule upon which charges for services rendered by the Sewage Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following charges for other services for each classification:

<i>Classification</i>	<i>Proposed Rates</i>
<b><i>Residential Rate</i></b>	
Metered rates (per 100 cubic feet)	\$6.15
Billing charge (per bill)	\$2.09
Unmetered rate - per month	\$63.71
<b><i>Commercial Rate</i></b>	
Metered rates (per 100 cubic feet)	\$5.37
Billing charge (per bill)	\$2.09
<b><i>Industrial Rate</i></b>	
Metered rates (per 100 cubic feet)	\$5.12
Billing charge (per bill)	\$20.85
<b><i>Other Industrial Charges</i></b>	
Surveillance charge - per quarter	\$778.46
Excess strength surcharge - per lb.	
Suspended solids	\$.36
BOD	\$.41
<b><i>Institutional Rate</i></b>	
Metered rates (per 100 cubic feet)	\$5.45
Billing charge (per bill)	\$2.09
<b><i>Other Charges</i></b>	
Domestic bulk waste charge - per 1,000 gallons	\$139.35

<i>Water Meter Size</i>	<i>Monthly Minimum Charges*</i>
5/8 - 3/4 inch	\$32.84
1 inch	\$53.54
1-1/2 inch	\$104.99
2 inch	\$166.61
3 inch	\$310.19
4 inch	\$515.69
6 inch	\$1,029.29
8 inch	\$1,645.49
10 inch	\$2,364.29
* Includes billing charge	

(3) *Rates for Inter-Municipal Users.* Inter-Municipal Users shall be charged for services rendered by the sewage utility based upon the following schedule of rates and charges. Bills shall be rendered monthly. Flows for purposes of applying metered rates shall be determined based upon a wastewater meter in accordance with the following schedule:

(a) Metered flow (from effective date through December 31, 2009):

1. \$2.2455 (per CCF); and
2. \$3.0000 (per 1,000 gallons).

(b) Metered flow (from January 1 through December 31, 2010):

1. \$4.4910 (per CCF); and
2. \$6.0000 (per 1,000 gallons).

(c) Metered flow (after January 1, 2011):

1. \$6.1500 (per CCF); and
2. \$8.2160 (per 1,000 gallons).

(d) Billing charge: \$2.0900 (per bill).

(B) *Annual review of service charges.* Prior to June 1 of each year, the Accounting Manager of the sewage utility and/or an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD and suspended solids per year, with the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

(1) A system including the distribution of the cost of operation, maintenance, and replacement of the treatment works of the utility to each user class in proportion to such user=s contribution to the total waste loading of the treatment works. Factors such as

strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation, maintenance, and replacement costs to each user class.

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

(C) *Revision of rates of surcharge.* Prior to June 1 of each year, the Accounting Manager of the sewage utility and/or an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD and suspended solids from the sewage treatment plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed and request legislative enactment of said changes by the Common Council.

(D) For the services rendered to the city, the city shall be subject to the same rates and charges as hereinbefore provided or to charges and rates established in harmony therewith. ('64 Code, ' 111.20) (Ord. 2450, passed 6-23-60; Am. Ord. 75-65, passed 11-11-65; Am. Ord. 61-81, passed 10-8-81; Am. Ord. 81-82, passed 11-10-82; Am. Ord. 81-88, passed 12-2-88; Am. Ord. 24-89, passed 5-11-89; Am. Ord. 7-92, passed 2-12-92; Am. Ord. 50-97, passed 8-19-97; Am. Ord. 40-02, passed 10-10-02; Am. Ord. 11-09, passed 4-9-09; Am. Ord. 13-09, passed 4-9-09)

#### • 51.21 DETERMINING SEWER RATES.

(A) The quantity of water obtained from sources other than the water utility of the city and discharged into the public sanitary sewage system may be determined by the city in such manner as the Board of Public Works shall elect and the sewage services shall be billed at the above appropriate rates.

(B) In the event a lot, parcel of real estate, or building discharging sewage, industrial waste, water, or other liquids into the city's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the municipally owned water utility serving the city and the water used thereon and therein is not measured by a 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 of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for the determination of the sewage discharge.

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

(D) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the city's sanitary sewage system, either directly or indirectly, and uses water in excess of 100,000 cubic feet per month and it can be shown to the satisfaction of the city that a portion of the water as measured by the water meter does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

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

(F) In order that the domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, and August, the billing for sewage services for residential or domestic users for the months of June, July, and August shall be based on the water usage for the previous months of February, March, and April. In the event the water usage for the previous months of February, March, and April is greater than the water usage of the months of June, July and August, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic or residential sewage services as applicable to the sprinkling rate shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. The sprinkling rate shall not apply to any premises which are partially 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 services so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(G) Where a metered water supply is used for fire protection as well as for other uses, the city may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable. In such cases the burden of proof as to the type of water usage shall be on the user.

(H) (1) For the purpose of this division and the application of the rate formula, the following definitions shall be utilized:

*S.* Strength charge in dollars.

*V.* Sewage volume in 100 cubic feet.

*.00075.* Factor to convert 100 cubic feet to millions of gallons.

*8.34.* Factor to convert gallons of water to pounds.

*\$.027.* Unit charge for BOD in dollars per pound.

*BOD.* Strength index of parts per million by weight.

*500.* Allowed BOD, strength in parts per million by weight.

*\$.024.* Unit charge for suspended solids in dollars per pound.

*SS.* Suspended solid strength index in parts per million by weight.

*500.* Allowed SS strength in parts per million by weight.

(2) The following monthly charges are hereby imposed on the amount of excess suspended solids or BOD strength determined by the application of the formula prescribed below. The formula reads as follows:

$S - V_s \text{ times } 0.00075 \text{ times } 8.34 \text{ times}$  (rate established for BOD which is \$0.27 [BOD minus 500] together with the rate established for suspended solids which is \$0.24 [SS minus 500]).

(3) The computation of the total charges under this division shall be by the application of the volume rate formula and the excess strength waste rate formula to the monthly waste discharges to the city sanitary sewage system.

('64 Code, ' 111.21) (Ord. 2450, passed 6-23-60; Am. Ord. 27-79, passed 5-31-79; Am. Ord. 61-81, passed 10-8-81; Am. Ord. 81-88, passed 12-2-88; Am. Ord. 7-92, passed 3-12-92; Am. Ord. 50-97, passed 8-19-97; Am. Ord. 40-02, passed 10-10-02; Am. Ord. 82-07, passed 12-13-07)

#### **' 51.22 SEWAGE RATES BASED ON CONTENT OF DISCHARGE.**

In order that the rates and charges may be justly and equitably adjusted to the services rendered, the city shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to treat and dispose of. The city shall have the right to measure and determine the strength and content of all sewage and waste discharge, either directly or indirectly, into the city's sanitary sewage system in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case in order to determine the proper charge. Except as may be permitted by an ordinance regulating the use of public and private sewers and

drains and the discharge of wastes into the public sewer collection system for the City, and subject to payment of the excess strength waste rate charges provided for above, any and all commercial and industrial installations shall be so controlled or treated as to the sewage strength that their effluent discharge to the city's sewers shall have a BOD (biological oxygen demand) not to exceed 500 parts per million and suspended solids not to exceed 500 parts per million at any time, which provisions are in general agreement with the recommendations contained in the Indiana Department of Environmental Management "Facilities Planning Handbook." The Board of Public Works is authorized to prohibit the dumping of wastes into the city's sewage system which, in its discretion, are deemed harmful to the operation of the sewage disposal works of the city.

('64 Code, ' 111.22) (Ord. 2450, passed 6-23-60; Am. Ord. 73-76, passed 2-10-77; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 82-07, passed 12-13-07)

#### **' 51.23 BILLING AND COLLECTION OF SEWAGE RATES.**

(A) The rates and charges shall be prepared and billed by the city and shall be collected in the manner provided by law and ordinance. The rates and charges may be billed to the tenant occupying the property served unless requested in writing by the owners, but such billing shall in no way relieve the owners from liability in the event payment is not made as herein required. The owners of property served which are occupied by tenants shall have the right to examine the collection records of the city for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office in which the records are kept and during the hours that such office is open for business.

(B) Except as provided hereinbefore for the application of excess strength waste rate charge, billing for sewage rates and charges shall be made monthly and such rates and charges shall be based on the quantity of water used on or in the property or

premises as the same is measured by the water meter there in use, and the metered water usage shall be determined from the meter readings as furnished by the City Municipal Water Utility.

('64 Code, ' 111.23) (Ord. 2450, passed 6-23-60; Am. Ord. 73-76, passed 2-10-77; Am. Ord. 81-88, passed 12-2-88)

#### **' 51.24 MANAGEMENT OF CITY'S SEWAGE WORKS.**

The Board of Public Works shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical, and efficient management of the city's sewage works including the sewer system and the treatment plant for the construction and use of house sewers and connections to the sewer system, and for the regulation, collecting, rebating, and refunding of rates and charges.

('64 Code, ' 111.24) (Ord. 2450, passed 6-23-60)

#### **' 51.25 SEWAGE WORKS REVENUE BONDS.**

(A) For purposes of this section *SEWAGE WORKS BOND AND INTEREST REDEMPTION FUND* and *SEWAGE WORKS SINKING FUND* shall be considered the same and are synonymous.

(B) The disposition, use, and flow of revenues derived from the sewage rates and charges as hereinbefore set forth shall, so long as any of the revenue bonds are outstanding, conform to the provisions and covenants as set forth in ordinance which authorized the sewage works revenue bonds.

(C) Subsequent to the redemption and retirement of the new outstanding revenue bonds and prior to the passage and adoption of an ordinance authorizing the issuance of additional sewage works revenue bonds, the revenues shall first be applied to the cost of operation, repair, and maintenance, and any revenues remaining thereafter shall be set aside for the purpose

and use of paying the cost of the necessary extensions and additions to the sewage works. The revenues derived from the rates and charges shall in no event be used for any other purpose than for the operation and maintenance of the sewage works and for the payment of additions, extensions, and other incidental costs incurred.

(D) The disposition, use, and flow of revenues derived from the sewage rates and charges as hereinbefore set forth shall, on the passage and adoption of an ordinance authorizing the issuance of additional sewage works revenue bonds, conform to the provisions and covenants as set forth in the ordinance authorizing the additional sewage works revenue bonds.

Any funds on hand subsequent to the redemption of the now outstanding sewage works revenue bonds and at the time of the adoption and passage of an ordinance authorizing additional sewage works revenue bonds shall be applied to the various funds and the flow of the funds as set forth in the provisions and covenants of the ordinance authorizing the additional sewage works revenue bonds.

('64 Code, ' 111.25) (Ord. 2450, passed 6-23-60; Am. Ord. 13-83, passed 5-13-93)

#### ' 51.26 CHARGES FOR SEWER CONNECTION.

(A) *Within the city limits.* In the event that a sewer connection is made any lot, parcel of real estate, or building directly to a public or private sewer suitable for use as a local or lateral sewer by that lot, parcel of real estate, or building, precluding any assessment therefor under the assessment laws of the state (sometimes called the "Barrett Law" or a contract sewer) against such lot, parcel of real estate, or building for a local or lateral sewer, then and in such case a connection charge in the amount of \$500 per equivalent dwelling unit (EDU) shall be charged for the privilege of making the connection for each and every lot, parcel or building.

(B) *Outside the city limits.* If such sewer is outside the corporate limits of the city or the lot,

parcel of real estate, or building to be connected to the sewer is outside the corporate limits of the city, then, in such case, the connection charge shall be at a rate of three times the connection charge of any such connection within the corporate limits of the city for each and every lot, parcel or building. Prior to connection to the city=s Sanitary Sewer System, the property owner outside of the city limits shall sign and record a waiver of annexation.

(C) *Definition.* For the purposes of this section, one **EDU** shall be defined as the average use of 9,300 gallons of water per month over one calendar year. The present number of EDUs for various land uses are listed in Exhibit A, partially excerpted from the Indiana State Board of Health Bulletin S.E. 13, which is attached hereto. Exhibit A shall be used to determine the number of EDUs for all users unless the Board of Public Works determines to the contrary. Monies received under this section shall be used to fund the Revolving Sewer Fund.

(D) *Waiver.* Where a property is within 100 feet of a sanitary sewer system and where a working septic system exists, as determined by the Madison County Health Department, the city in consideration of deferring and waiving the requirement that the property connect to the sewer system, which the city by law has the right to require connection; therefore, in lieu of connecting to the sanitary sewer system the property shall be charged the current monthly minimum rate, for the availability of connection when their septic system fails. When the current septic system is found to no longer function, is required to be replaced or is no longer in compliance as determined by the Board of Public Works and/or the Madison County Health Department, the owner at his expense shall connect to the city=s sanitary sewage system and be subject to the current sewage rates.

('64 Code, ' 111.26; Am. Ord. 76-65, passed 11-11-65; Am. Ord. 122-73, passed 9-27-73; Am. Ord. 35-02, passed 8-8-02; Am. Ord. 53-08, passed 12-11-08)

***SANITARY DISTRICT*****‘ 51.35 DISTRICT ESTABLISHED.**

The state statute entitled, "An Act to Amend an Act and the Title of an Act Entitled, 'An Act enabling cities of the Second Class located in any county having a population of more than 95,000 and less than 120,000 according to the last preceding decennial United States census to create and establish a sanitary district, supplemental to an act entitled 'An Act concerning the Department of Public Sanitation of cities of the first and second classes and cities operating under the City Manager plan of government, defining their powers and duties, creating sanitary districts consisting of such cities and certain other incorporated cities and towns and certain platted subdivisions and unplatted lands located within the county in which any such city is located, repealing conflicting laws and declaring an emergency,' approved March 9, 1917, as amended and supplemented," which act was duly passed and approved on March 11, 1963 and which act and the title thereof were so amended by an act passed and approved on March 8, 1965 and appears in Chapter 184, page 336 of the Acts of 1965 and which acts were amended by Public Law 194 of the Indiana General Assembly of the State of Indiana for the year 1973, and also any and all amendments of those acts, together with Chapter 157 of the Acts of 1917 and I.C. 36-9-25 as amended and supplemented, be and they are adopted by the Common Council, so as to make the acts and all amendments thereto effective and operative as to the city. (Ord. 97-73, passed 7-12-73; Am. Ord. 72-04, passed 9-9-04)

***Statutory reference:***

*Sanitary districts, see I.C. 36-9-25-1 et seq.*

**‘ 51.36 PURPOSE.**

Pursuant to I.C. 36-9-25-8, the purposes of the sanitary district shall include:

(A) Providing for the collection, treatment and disposal of sanitary sewage and other water-carried wastes of the district;

(B) Providing for the drainage of storm and surface water to relieve sanitary sewers of that water; and

(C) Reducing the pollution of watercourses in the sanitary district.

(Ord. 97-73, passed 7-12-73; Am. Ord. 72-04, passed 9-9-04)

**‘ 51.37 JURISDICTIONAL AREA.**

The territory to be included initially in the district shall be all of that territory included at any time within the corporate limits of the city, and any territory, addition, or platted subdivision, or un-platted lands, lying outside the corporate limits of the city, which has been taken into or has been connected with the public sanitation system of the city, in accordance with the provisions of any prior act, and the sewage or drainage of which discharges into or through the sewage system of the city.

(Ord. 97-73, passed 7-12-73)

***Statutory reference:***

*Extraterritorial powers, I.C. 36-9-2-18*

***PUBLIC AND PRIVATE SEWERS;  
DISCHARGE OF WASTES*****‘ 51.50 DEFINITIONS.**

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

**ACT.** The "Federal Water Pollution Control Act" (Pub. L. 95-500) as amended by the "Clean Water Act" (Pub. L. 95-217) of 1977 (33 U.S.C.

1251, *et seq.*) and all acts supplemental or amendatory thereto. However, if any word, section, part of section, clause, or any portion thereof of this subchapter shall be adjudged to be invalid, unconstitutional, or in conflict with either the Federal Water Pollution Control Act as amended by the Clean Water Act or any act supplemental or amendatory thereto shall be declared invalid or unconstitutional, it shall not affect the validity or constitutionality of this subchapter as a whole or any other word, section, part of section, clause, or portion thereof.

**AGENCY.** The Board of Public Works of the city or its designated representative.

**APPLICABLE PRETREATMENT STANDARD.**

Any pretreatment limit or prohibitive standard (federal, state, or local) contained in this subchapter or any pretreatment limit or prohibitive standard (federal, state, or local) imposed by permit and considered to be the most restrictive with which nondomestic users will be required to comply.

**APPROVAL AUTHORITY.** The Administrator of EPA, Region V, until the State of Indiana has an approved pretreatment program. The **APPROVAL AUTHORITY** will then become the Director of the Water Pollution Control Division, Indiana State Board of Health.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.**

(1) If the industrial user is a corporation, authorized representative shall mean:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign

documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

(3) If the industrial user is a federal, state or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;

(4) The individuals described in divisions (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City Board of Public Works or its designated representative.

**AVERAGE MONTHLY DISCHARGE LIMITATION.** The highest allowable average of daily discharge over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during a month.

**AVERAGE WEEKLY DISCHARGE LIMITATION.** The highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges, measured during a calendar week divided by the number of daily discharges measured during the week.

**AUTHORITY.** The local governmental entity enacting this subchapter and its authorized deputy, agent, or representative.

**BENEFICIAL USES.** These uses include, but are not limited to, domestic, municipal, agricultural, and industrial use; power generation, recreation, aesthetic enjoyment, navigation; the preservation and

enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, tangible or intangible, as specified by state or federal law.

matter present measured by a standard chemical oxidation procedure, as defined according to methods approved in 40 CFR 136.

***BOD<sub>5</sub> (BIOCHEMICAL OXYGEN DEMAND).***

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in terms of mass and concentration ((milligrams per Liter) (mg/L)).

***BUILDING COMMISSIONER.*** The Building Commissioner of the city, or his authorized deputy, agent, or representative.

***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 the building and conveys it to the building sewer beginning five feet outside the inner face of the building wall.

***BUILDING SEWER (LATERAL).*** That part of the horizontal piping of a building drainage system extending from the outside of the building or end of the inside plumbing system to, and including, the connection with the municipal sewage system.

***CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD.*** Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 - 471.

***CFR.*** Code of Federal Regulations.

***CITY ENGINEER.*** The city Engineer of the City of Anderson, Indiana, or his authorized deputy, agent, or representative.

***COD or CHEMICAL OXYGEN DEMAND.*** The oxygen consuming capacity of inorganic and organic



**COLOR.** The optical density at the wavelength of maximum absorption, relative to distilled water. (One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.)

**COMBINED SEWER.** A sewer intended to receive domestic sewage, treated or weak industrial wastes, and surface and storm water. **COMBINED SEWERS** shall also include intercepting sewers.

**COMPATIBLE POLLUTANT.** Any pollutants which the treatment plant was designed to treat, which are BOD, TSS, ph, oil and grease, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly-owned treatment works was designed to treat such pollutants, and, in fact, does remove such pollutants to a substantial degree.

**COMPOSITE SAMPLE.** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

**CONTAMINATION.** Any impairment of the quality of the water of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. **CONTAMINATION** shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

**CONVENTIONAL POLLUTANTS.** BOD<sub>5</sub>, total suspended solids, pH, fecal coliform, and oil and grease.

**DAILY DISCHARGE.** Discharge of a pollutant measured during a calendar day of any 24-hour period that reasonably represents the calendar day for purposes of sampling.

**ELIGIBLE CAPITAL COSTS.** That portion of the federal share of a grant that is allocated to industrial users.

**EPA or ENVIRONMENTAL PROTECTION AGENCY.** The U.S. Environmental Protection Agency, the Administrator, or other duly authorized official of the agency.

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

**GPD.** Gallons Per Day.

**GRAB SAMPLE.** A sample which is taken from a waste stream without regard to the flow of the wastestream and without consideration of time.

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

**INCOMPATIBLE POLLUTANT.** Any pollutant which is not a compatible pollutant as defined in **COMPATIBLE POLLUTANT**.

**INDIRECT DISCHARGE or DISCHARGE.** The introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

**INDUSTRIAL USER or IU.** A source of indirect discharge.

**INDUSTRIAL WASTE.** Solid, liquid, or gaseous waste resulting from any industrial, commercial, manufacturing, trade, or business process or from the development, recovery, or processing of natural resources.

**INFILTRATION.** Groundwater that seeps into pipes through pipe joints or breaks.

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

**INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT.** The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any pollutants of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

**INTERFERENCE.** A discharge which alone or in conjunction with a discharge or discharges from other sources:

(1) Which inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or

(2) Therefore is a cause of a violation of the City Water Pollution Control Utility's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); and state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act, the Toxic Substances Control Act).

**MASS EMISSION RATE.** The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the **MASS EMISSION RATE** shall mean pounds per day of a particular constituent or combination of constituents.

**MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood by-products, pathological wastes, sharps, body parts, fomites, etiological agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**mg.** Milligrams.

**mg/L.** Milligrams per liter.

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

**NEW SOURCE.** Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to the source if the Standards are thereafter promulgated in accordance with that section.

**NON-CONTACT COOLING WATER.** Water used for cooling which does not come into contact with any raw material, intermediate product, waste product or finished product.

**NON-CONVENTIONAL POLLUTANT.** Any parameter or substance which is not a **CONVENTIONAL POLLUTANT** or a **TOXIC POLLUTANT** as defined in this section.

**NORMAL DOMESTIC SEWAGE.** Sewage having an average daily suspended solids concentration of not more than 300 milligrams per liter, an average daily BOD concentration of not more than 300 milligrams per liter, an average daily phosphorus concentration of not more than 10 milligrams per liter, and an average daily ammonia concentration of not more than 25 milligrams.

**NPDES PERMIT.** National Pollutant Discharge Elimination System permit which sets the conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of PL 95-217, as administered by the EPA or state.

**NUISANCE.** Anything which is injurious to or endangers the life, health, safety, or welfare of another individual or the community, or that which disturbs one in possession of his property or renders its ordinary use or occupation uncomfortable, or which unlawfully obstructs the free use or passage, in the customary manner, of any public street, way, facility, or park is a **NUISANCE**.

**O & M.** Operations and Maintenance.

**OPERATION AND MAINTENANCE COSTS.**

All costs direct and indirect, other than debt services, including replacement costs as defined herein, necessary to insure adequate wastewater treatment on a continuing basis conforming with federal, state, or local requirements, and to insure long-term facilities management.

**OTHER WASTES.** Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances excepting sewage and industrial wastes.

**PASS THROUGH.** A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, to their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

**pH.** The negative logarithm of the hydrogen ion concentration expressed in moles per liter.

**POLLUTION.** An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects the waters for beneficial use or facilities which serve the beneficial uses. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**POLLUTANT.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

**PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

**PRIVATE SEWAGE DISPOSAL SYSTEM.** Any sewage disposal system not connected to a public sanitary or combined sewer and constructed for the purpose of treating residential, commercial, or industrial wastes.

**PROHIBITED DISCHARGE STANDARDS** or **PROHIBITED DISCHARGE.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in ' 51.51.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, or dispensing of food that have been shredded to such 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 (MAIN LINE SEWER).** A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority. The **MAIN LINE SEWER** does not include any building sewer or lateral connection.

**PUBLICLY OWNED TREATMENT WORKS** or **POTW.** A "treatment works" as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by the state or municipality. This definition includes any devices or systems used in the collection, storage,

treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

**RECEIVING STREAM.** The West Fork of White River or its tributaries where the streams may receive discharges from the POTW or its collection system.

**RECONSTRUCTION COSTS.** Shall mean the expenditures to pay for expansion, construction, and normal obsolescence as required to maintain the treatment plant and collection system of the sewage utility.

**REPLACEMENT COST.** Shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed.

**SANITARY SEWAGE.** See ' 51.01.

**SANITARY SEWER.** See ' 51.01.

**SEPTIC TANK WASTES.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

**SEWAGE.** Human excrement and grey water (household showers, dishwashing operations, and the like).

**SEWER.** A pipe, conduit, or ditch or other device used to collect and transport sewage or storm water from the generating source.

**SIGNIFICANT INDUSTRIAL USER.** Shall apply to:

- (1) Industrial users subject to categorical pretreatment standards; and
- (2) Any other industrial user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater;

(b) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

(c) Is designated as significant by the City Water Pollution Control Utility on the basis that the industry has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

**SLUDGE.** Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in Standards issued under Section 402 and 405 of the Federal Act and in the applicable requirements under Section 3001, 3004, and 4004 of the "Solid Waste Disposal Act," PL 94-580.

**SLUG.** Any single discharge episode of any toxic, conventional, or non-conventional pollutant of such volume or strength as to cause interference, pass through or any violation of a discharge prohibition to the POTW.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE.** A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

**STANDARD METHODS.** Standard Methods for the Examination of Water and Wastewater, American Public Health Association, American Water Works Association, Water Pollution Control Federation, Latest Edition.

**STATE.** The State of Indiana or any of its appropriate departments.

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

**STORM WATER.** Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snow melt.

**SUSPENDED SOLIDS.** Solids that are visible and in suspension in the liquid, as defined in Standard Methods.

**TOXIC AMOUNT.** Concentrations of any pollutant or combination of pollutants which upon exposure to any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in Standards issued pursuant to Section 307 (a) of PL 95-217.

**TOXIC POLLUTANT.** One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of Section 307 (33 U.S.C. 1317) of the Act.

**TSS.** Total Suspended Solids.

**UPSET.** An exceptional incident in which a discharger is unintentionally and temporarily in a state of noncompliance with the applicable standard due to factors beyond the reasonable control of the discharger, excluding noncompliance caused by operational error, improperly designed treatment facilities, lack of preventative maintenance, or careless or improper operation of facilities.

**USER.** Any residential, commercial, governmental, institutional, or industrial person that discharges, causes, or permits the discharge of wastewater into the community sewer system.

**WASTEWATER.** Liquid and water-carried wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**WASTEWATER COLLECTION SYSTEM.** The system of sewers owned, maintained, operated, and controlled by the city.

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

**WATER COURSE.** A channel in which a flow of water occurs either continuously or intermittently.

**WASTEWATER DISCHARGE PERMIT.** A permit issued to users by the agency to connect and discharge into the community sewer.

**WWTP.** Wastewater Treatment Plant. (Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 31-86, passed 5-8-86; Am. Ord. 81-88, passed 12-2-88; Am. Ord. 8-90, passed 2-8-90; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02; Am. Ord. 53-08, passed 12-11-08)

#### • 51.51 PROHIBITED DISCHARGES.

(A) No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. Furthermore, no industrial user may contribute the following substances to the POTW:

(1) Pollutants which create fire or explosion hazard in the wastewater collection system and POTW, including, but not limited to, wastestreams with a closed cup flash point of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment or endangering city personnel. Any pH above 12.5 is considered hazardous under 40 CFR 261.21.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than three inches (7.62 centimeters) in any dimension.

(4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans, animals or aquatic life.

(5) Heats in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature entering the POTW Treatment Plant exceeds 40E C (104E F).

(6) Petroleum oil or nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(7) Any pollutants which result in the presence of toxic gasses, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by this code.

(9) Quantities or rates of flow which overload the wastewater treatment plant or collection facilities.

(10)Garbage that is not generated in the preparation of food normally consumed on the premises. All garbage shall be properly shredded to dimensions smaller than one-half inch and shall be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinder shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

(11)Any gases, fluid, or solid containing objectionable or toxic substances in sufficient quantity, either alone or by interaction with other to injure or interfere with any wastewater treatment process, or constitute a hazard to humans or animals.

(12)Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

(13) Wastewater causing, alone or in conjunction with other sources, the treatment plant= effluent to fail a toxicity test.

(14) Detergents, surface-active agents or other substances that may cause excessive foaming in the POTW.

(B) No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless upon written application by the user and payment of the applicable user charges and fees and authorization by the agency.

(C) No discharger is allowed to increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with applicable standards.

(D) Except to the extent that it may be preempted by the acts of state or federal agencies pursuant to state or federal laws, rules, or regulations, the agency may prohibit any discharge to the community sewer collection system if it is not demonstrated that there is sufficient capacity in all downstream sewers, lift stations, force mains, and treatment plants, including capacity for BOD<sub>5</sub> and TSS, to accommodate any person applying for a discharge permit pursuant to ' 51.57. The person shall provide the information

deemed appropriate, as required by ' 51.58, and upon evaluation of such data, a permit may be issued as provided.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02) Penalty, see ' 51.99

***Statutory reference:***

*Regulation of waste disposal, see I.C.  
36-9-2-16*

**' 51.52 SEPTIC TANK TRUCK DISCHARGES.**

Septic tank haulers hauling only domestic septic tank wastes shall be permitted to use the wastewater



treatment facilities. Any septic tank hauler desiring to use the wastewater treatment facilities will be required to:

(A) Execute and file with the office of the service manager of the Water Pollution Control Utility an annual surety bond payable to the city in a penal sum of not less than \$5,000, as shall be prescribed by the Board of Works, conditioned on the strict compliance with all terms, conditions and requirements of the code, including the payment of all charges authorized.

(B) Obtain a permit for each unit that will be using the wastewater treatment facilities. This permit shall be applied for within 30 days after the promulgation of this subchapter and can be obtained by presenting the following information at the wastewater treatment plant office:

(1) The current license issued by the State Board of Health.

(2) The vehicle license plate number.

(3) Presentation of the vehicle for inspection by agency personnel.

(C) Each vehicle obtaining a permit must:

(1) Be equipped with a discharge hose of sufficient length to reach the discharge manhole at time of discharging the contents of the vehicle.

(2) Have the tank capacity of the vehicle in gallons painted on the truck cab or tank with lettering equal in size as those required by the State Board of Health.

(3) Be equipped with a sight gauge and staff gauge of a type approved by the agency.

(D) Dumping will be permitted only during the hours established by and at a point designated by the agency.

(E) Before each load is discharged, the hauler shall report to the plant office and fill out a form listing the following information:

(1) Vehicle permit number;

(2) Vehicle driver;

(3) Date and time;

(4) Source of waste material;

(5) Size of tank on vehicle; and

(6) Gauge reading and gallonage of tank contents to be disposed of.

(F) A sample of the waste material may be requested by the agency when deemed necessary. The sample shall be taken at the time of discharge and in the presence of agency personnel.

(G) The hauler will be held responsible for any accidental spill or any cleanings left around the manhole area. The material will be properly disposed of before the hauler leaves the premises.

(H) Discharging of waste material from a septic tank truck at any point on the wastewater collection system other than that designated by the agency shall result in revocation of discharge permit.

(I) Charges will be based upon a minimum charge or the actual gallonage discharged into the treatment works, whichever is greater. Billing to the haulers will be on a monthly basis by the agency.

(J) Effective January 1, 1988, septic tank haulers shall be charged \$4 per 100 gallons of septic tank waste that is discharged at the city wastewater treatment facility.

(1) In succeeding years, the Board of Public Works shall have the option to increase said charge up to 50% per year. Any such increase shall go into effect on January 1, and shall be made by resolution of the Board of Public Works. If the Board of Public Works desires to increase charges to septic tank haulers, it shall pass its resolution doing so at least 30 days prior to the effective date of any such increase.

(2) In no event shall the rate for septic tank waste that is discharged at the city wastewater treatment facility exceed the city's actual cost of treating such waste.

(Ord. 1-77, passed 2-10-77; Am. Ord. 45-87, passed 12-10-87; Am. Ord. 98-90, passed 12-13-90) Penalty, see ' 51.99

**' 51.53 SPECIFIC POLLUTANT LIMITATIONS.**

(A) Specific pollutant limitations have been adopted as follows. The following limits have been established in cooperation with the Indiana Department of Environmental Management and the EPA to protect the integrity of the POTW and White River within and beyond the city limits. All limits are for total concentrations at the discharge location. All limits are in mg/l unless otherwise noted.

<i>Pollutant</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>
Cadmium	0.02	0.06
Chromium		2.50
Copper	0.58	1.50
Cyanide	0.04	0.10
Nickel	1.12	2.67
Lead	0.10	0.24
Zinc		3.00

(B) Where dilution from nonregulated sources occurs, the combined waste stream formula set forth in 40 CFR 403.6 (e) shall be used to calculate legal limits. The details for determining legal limits after dilution shall be regulated by wastewater discharge permits issued to users subject to the above limits.

(C) Concentrations apply at the point where the industrial waste is discharged to the POTW. All

concentrations for metallic substances are for "total" metal unless indicated otherwise. Mass limitations may be imposed in addition to or in place of the concentration-based limitations above.

(Ord. 55-85, passed 8-27-85; Am. Ord. 31-86, passed 5-8-86; Am. Ord. 13-83, passed 5-13-93)

**' 51.54 HAZARDOUS WASTES.**

(A) If any sewage is discharged, or proposed to be discharged to the community sewer collection system which contains the substances or possesses the characteristics enumerated in ' 51.51(A)(1) through (14), and which in the judgment of the agency, may have a deleterious effect upon wastewater treatment and collection system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the agency may in writing:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition prior to discharge to the community sewers;
- (3) Require flow equalization of the rate of discharge; or
- (4) Require payment to cover the added cost of handling and treating the wastes not allowed in this section under the provision of ' 51.99(B)(3).

(B) National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (EPA) must be met by all dischargers of the regulated industrial categories if they are more stringent than state or local standards. All categorical pretreatment standards must be met at the point of discharge from the industrial pretreatment system prior to mixing with any other waste stream.

(C) The Agency reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical

standard in accordance with 40 CFR 403.15. The industrial user may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different variance must comply with the procedural and substantive provisions of 40 CFR 403.13.

(D) No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Agency may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(E) Limitations on wastewater strengths in ' 51.53 may be supplemented with more stringent or new standards or requirements on discharges to the POTW:

(1) If the agency determines that the limitations in ' 51.53 may not be sufficient to protect the operation of the wastewater treatment system; or

(2) If the agency determines that the limitations in ' 51.53 may not be sufficient to enable the wastewater treatment plant to comply with water quality standards or effluent limitations specified in this National Pollutant Discharge Elimination (NPDES) permit;

(3) The most stringent requirements, whether federal, state or local, shall apply. (Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02)

#### ' 51.55 ACCIDENTAL DISCHARGE.

(A) Each discharger must provide protection from accidental discharge of prohibited or regulated materials or substances. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials must be provided and maintained at the discharger's expense. Detailed plans showing facilities' and operating procedures' accidental discharge protection must be submitted to the agency before construction of the facility. Review and approval of plans and operating procedures by the agency will not relieve the discharger from the responsibility to modify its facility as necessary to meet applicable requirements.

(B) Every two years the Agency is required to evaluate whether an industrial user needs to implement an accidental discharge/slug control plan. Each industrial user required to develop and implement an accidental discharge/slug control shall submit to the Agency a plan which addresses, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in ' 51.53.

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plan site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93) Penalty, see ' 51.99

' **51.56 UPSET PROVISION.**

(A) For the purposes of this section, **UPSET** means an exceptional incident in which there is unintentional and contemporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the industrial user can demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the industrial user can identify the causes of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operations and maintenance procedures;

(3) The industrial user has submitted to the POTW within 24 hours of becoming aware of the upset the following information (if this information was provided orally, a written submission must be provided within five days):

(a) A description of the discharge and cause of non-compliance;

(b) The period of non-compliance, including exact dates and times or, if not corrected, the amount of time the non-compliance is expected to continue;

(c) Action being implemented and/or planned to reduce, eliminate and prevent recurrence of the non-compliance.

(Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02) Penalty, see ' 51.99

' **51.562 BYPASS PROVISION.**

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

(A) (1) **BYPASS.** The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(2) **SEVERE PROPERTY DAMAGE.** Substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also essential for maintenance to assure efficient operation. These bypasses are not subject to divisions (C) and (D).

(C) (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least ten days before the date of the bypass if possible.

(2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment program requirements of the POTW immediately but not later than 24 hours from the time it becomes aware of the bypass. A written submission shall be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Agency may waive the written report on a case by case basis if the oral report has been received within 24 hours.

(D) Bypass is prohibited, and the Agency may take enforcement action against the industrial user for a bypass unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The industrial user submitted notices as required under division (C).  
(Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02)

#### • 51.57 PRETREATMENT.

(A) In cases where the agency determines that pretreatment will be required, facilities shall be constructed, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the agency and the Indiana Department of Environmental Management for review, and shall be approved before construction of the facilities. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the POTW under the provisions of this code. Grease, oil or sand interceptors shall be required at all restaurants and at all industrial and commercial enterprises when, in the opinion of the agency, they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the agency and shall be readily and easily accessible for cleaning and inspection. Log books and pumping records shall be maintained and shall be readily available for the review by the agency.

(B) The review of plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the agency under the provisions of this subchapter.

(C) Any subsequent changes in the pretreatment facilities or method which may change the quality or quantity of the pretreatment wastewater shall be reported to and be acceptable to the agency and to all divisions of the Indiana Department of Environmental Management having jurisdiction.

(D) The agency reserves the right to refuse or accept any or all industrial wastewaters from an industry or combination of industries as may be necessary to insure adequate treatment and proper operation of the community wastewater collection system. The agency may accept any or all conventional industrial wastewaters from an industry or a combination of industries provided that the agency determines that constituents in the wastewaters are compatible with the agency's wastewater collection system and treatment processes.

(E) All industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Agency is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete the survey shall be reasonable grounds for terminating the service to the industrial user and shall be considered a violation of this code.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02) Penalty, see ' 51.99

#### • 51.58 WASTEWATER DISCHARGE PERMIT.

(A) *Mandatory permits.* All significant industrial users proposing to connect to or discharge into a community sewer must obtain a wastewater discharge permit before connecting to or discharging into a

community sewer. All existing significant industrial users without a wastewater discharge permit must apply for a wastewater discharge permit within 60 days after the effective date of this subchapter.

(B) *Optional permits.* The agency may issue a wastewater discharge permit to any user, upon application, in accordance with the terms of this section in the following categories:

(1) A user who requires the user charges and fees to be based on an estimation of wastewater flow.

(2) Any user whose wastewater strength is less than the normal range for the user classification to which he is assigned because of pretreatment, process changes, or other reasons.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93) Penalty, see ' 51.99

#### • 51.59 PERMIT APPLICATIONS.

(A) Users seeking a wastewater discharge permit shall complete and file with the agency, an application in the form prescribed by the agency, and accompanied by the applicable fees, with all information required by ' 51.62(C). The applicant may be required to submit, in units and terms appropriate for evaluation, the following information.

(1) Name, address, and SIC number of applicant.

(2) Volume of wastewater to be discharged.

(3) Wastewater constituents and characteristics including, but not limited to, those mentioned in ' 51.53(A) as determined by a laboratory approved by the agency.

(4) Time and duration of discharge.

(5) Average and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any.

(6) Site plans, floor plans, mechanical and plumbing plans, and details to show all appurtenances by size, location, and elevation.

(7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged.

(8) Each product produced by type, amount, and rate of production.

(9) Number and type of employees, hours of work, and any seasonal variation.

(10) A disclosure of the type and amount of raw materials utilized.

(11) All permit applications for new or modified permits must be signed by the principal executive officer of the industry, or duly authorized responsible corporate officer.

(12) Any other information as may be deemed by the agency to be necessary to evaluate the permit application.

(B) The agency will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the agency may issue a wastewater discharge permit subject to terms and conditions provided herein.

(C) The agency is authorized by rule or regulation to establish a reasonable fee to be paid by the applicant upon filing an application for a discharge permit.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 31-86, passed 5-8-86; Am. Ord. 13-83, passed 5-13-93)

#### • 51.60 PERMIT CONDITIONS.

(A) Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other regulations, user charges, and fees established by the agency. The conditions of

wastewater discharge permits shall be uniformly enforced by the agency in accordance with this subchapter, and applicable state and federal regulations.

(B) Permits may contain the following.

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.

(2) Limits on the average and maximum wastewater constituents and characteristics.

(3) Limits on the rate and time of discharge or requirements for flow regulation and equalization.

(4) Requirements for installation and maintenance of inspection and sampling facilities.

(5) Pretreatment requirements, including a schedule of compliance containing projected dates for but not limited to, hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance.

(a) Under no circumstances will the agency permit a time increment for any single step directed toward compliance which exceeds nine months.

(b) A progress report must be submitted to the agency not later than 14 days following milestone date in the schedule, including the final date for compliance. The progress report shall include the following:

1. The new date for compliance, if necessary.
2. An acknowledgment of compliance or noncompliance with the objectives forecast for the milestone date.
3. The reason for the delay.

4. The steps being taken to return to the approved schedule. In no event shall the period between progress reports exceed nine months.

5. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests, and reporting schedule.

6. Requirements for submission of technical reports or discharge reports.

7. Requirements for maintaining plant records relating to wastewater discharge as specified by the agency, and affording the agency access thereto.

8. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed or are present in the user's wastewater discharge.

9. Other conditions as deemed appropriate by the agency to insure compliance with this subchapter.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85)

#### • 51.61 DURATION OF PERMITS.

(A) Wastewater discharge permits shall be issued for a specified time period not to exceed three years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(B) All permitted industrial users shall apply for wastewater discharge permit reissuance by submitting a completed wastewater discharge permit application a minimum of 180 days prior to the expiration of the industrial users existing wastewater discharge permit.

(C) The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(D) Wastewater discharge permits are issued to a specific user of a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed process.

(E) Any user who violates the following conditions of the permit or of this subchapter, or applicable state and federal regulation, is subject to having his permit revoked.

(1) Failure of a user to factually report the wastewater constituents and characteristics of the discharge.

(2) Failure of a user to report significant changes in operations, or wastewater constituents and characteristics.

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

(4) Violation of this chapter or conditions of the permit.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93)

#### § 51.62 REPORTING REQUIREMENTS.

(A) *Discharge reports.* The agency may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume and rates flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater constituents and characteristics in the wastewater discharge. These reports may also include the chemical constituents and the quantity of liquid or gaseous materials stored on site even though they may not normally be discharged. The discharge reports for non-categorical users which may include, but not be limited to all conditions listed in § 51.60. All users subject to applicable pretreatment standards are required to submit self-monitoring discharge reports normally on a monthly

basis. Any sampling or testing that is done in excess of that which is required by permit shall be included in all reports submitted to the agency for compliance purposes.

(B) *SPC-15 reports.* Those users previously submitting SPC-15 reports may use that report as the report required in § 51.62(A).

(C) *Baseline monitoring reports.* All existing significant industrial users subject to categorical pretreatment standards are required to submit to the Agency, within 180 days of promulgation of the categorical pretreatment standards, a report which contains all the information listed in division (C)(1) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to promulgation of an applicable standard, shall be required to submit to the Agency a report which contains the information listed in (C)(1) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(1) The industrial user shall submit with the baseline monitoring report the information listed below:

(a) Name and address of the facility including the name of operators and owners.

(b) Any environmental control permits held by or for the facility.

(c) A description of the operation including:

1. Type of business;
2. Average rate of production;
3. Standard industrial classifications of all operations;

4. Flow rates in gallons per day for process wastestreams, dilution wastestreams and non-regulated wastestreams containing regulated pollutants;

5. Identity of each categorical pretreatment standard and concentration of regulated pollutants in each wastestream;

6. A statement reviewed by the facility authorized representative and certified by a Professional Engineer as to compliance status;

7. A compliance schedule if additional construction or operation and maintenance is necessary.

(D) *Compliance schedule reports (categorical users)*. All users subject to categorical pretreatment standards and who are required to submit a compliance schedule, are to submit a compliance schedule containing the following dates:

- (1) Date for hiring an engineer;
- (2) Completing preliminary plans;
- (3) Completing final plans;
- (4) Executing contracts;
- (5) Commencing construction;
- (6) Completing construction; and
- (7) Final compliance.

A progress report must be submitted not later than 14 days following each compliance schedule deadline.

(E) *Report on compliance with pretreatment standard deadline*. Within 90 days following the date for final compliance with categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to those standards must submit to the agency and the approval authority a report containing the information described in ' 51.62(C). For all industrial users subject to

categorical pretreatment standards expressed in equivalent mass or concentration limits established in accordance with 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. All other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation) shall include with this report the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with ' 51.62(C).

(F) *Periodic compliance reports*. Industrial users subject to categorical pretreatment standards shall submit to the agency reports on continued compliance with categorical pretreatment standards. The nature and concentration of pollutants in the discharge which are limited by the categorical pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. The frequency of reporting will be determined by the agency. In no case shall the frequency be less than once every six months.

(1) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(2) Analyses of the discharge done in addition to those required by the agency using procedures approved in 40 CFR 136 shall be included with this report.

(3) All compliance reports must be signed and certified in accordance with ' 51.62(C).

(G) *Records retention*. Records, books, documents, memoranda, reports, correspondence and summaries relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge shall be retained for at least three years or until all

enforcement or litigation activities are completed and all periods for appeal have expired, whichever is longer.

(H) Users subject to categorical pretreatment standards shall report any planned increase or decrease in production at least two days prior to the planned change in production.

(1) The Agency may require the industrial user to submit information deemed necessary to evaluate the changed condition, including submission of a wastewater discharge permit application in accordance with ' 51.59.

(2) The Agency may issue a wastewater discharge permit or modify an existing wastewater discharge permit in accordance with ' 51.58.

(3) Flow increases of 10% or greater and discharge of any previously unreported pollutants shall be deemed significant for purposes of this requirement.

(4) No industrial user shall implement any significant planned change without a response to the request from the Agency.

(I) *Reports from non-significant industrial users.*

All non-significant industrial users (not subject to categorical pretreatment standards and not required to get a wastewater discharge permit) shall provide appropriate reports to the Agency as may be required.

(J) *Notice of violation/repeat sampling and reporting.* If sampling performed by an industrial user indicates a violation, the industrial user must notify the Agency within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Agency within 30 days after becoming aware of the violation. The industrial user is not required to resample if the Agency performs monitoring at the industrial discharge at least once per month or if the Agency performs sampling between the industrial user's initial sampling and when the industrial user receives the results of the sampling.

(K) *Notification of the discharge of hazardous waste.*

(1) (a) Any industrial user who commences the discharge of a hazardous waste shall notify the Agency, the USEPA Region V Waste Management Division Director, and the Indiana Department of Environmental Management Hazardous Waste Management Director in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include:

1. The name of the hazardous waste as set forth in 40 CFR 261;

2. The EPA hazardous waste number;

3. The type of discharge (continuous, batch, or other);

(b) If the industry discharges more than 10 kilograms of such waste per calendar month to the POTW the notification shall also contain the following information to the extent that is known by the industrial user:

1. An identification of the hazardous constituents contained in the wastes;

2. An estimation of the mass and concentration of such constituents in the wastestream discharged during the following 12 months;

(c) All notifications must take place no later than 180 days after the discharge commences. Any notification under this division (K) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under division (L) below. The notification requirement under this section does not apply to pollutants already reported under the self-monitoring requirements of divisions (C) through (F) above.

(2) Dischargers are exempt from the requirements of divisions (L) during a calendar month in which they discharge no more than 15 kilograms of

hazardous wastes, unless the wastes are acute hazardous as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Region V Waste Management Waste Division Director, and the Indiana Department of Environmental Management Hazardous Waste Management Director of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. (Ord. 55-85, passed 8-27-85; Am. Ord. 8-90, passed 2-28-90; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02)

### • 51.63 ABATEMENT.

(A) Discharge of wastewater in any manner which violates this subchapter or any order issued pursuant to it, shall constitute a violation punishable by ' 51.99.

(B) It is the responsibility of the industrial user to report any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW, including violation of the prohibited discharge standards in ' 51.51. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective

actions taken by the industrial user. Whenever a discharge of wastewater is in violation of the provisions of this subchapter or the provisions of a wastewater discharge permit, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the agency may issue an order to cease and desist, and direct that those persons not complying with the prohibitions, limits, requirements, or provisions to:

(1) Comply forthwith;

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

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

(C) When the agency finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in this subchapter, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a wastewater discharge permit, the agency may require the user to submit for approval, with such modification as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

(D) When a discharge of wastes causes an obstruction, damage, or any other impairment to agency facilities, the agency may assess a charge against the user for the work required to clean or repair the facility and add the charge to the user's charges and fees.

(E) Users shall notify the agency immediately upon accidentally discharging waste in violation of this subchapter. Failure to notify the Agency of potential problems shall be deemed a separate violation of this code.

(F) Within five days following the discharge, users shall, unless waived by the Agency, submit a detailed written report describing the cases of the discharge and measures taken by the industrial user to prevent similar future occurrences. Such notifications do not relieve the industrial user of any expense, loss,

damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, or other liability which may be imposed by this code.

(G) The notification will not relieve users of liability for any expense, loss, or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed by the agency in accordance with ' 51.99.

(H) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in ' 51.63. Employers shall Ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(I) A notice shall be furnished and permanently posted on the user's bulletin board and in the immediate vicinity of the location of equipment where discharges are possible advising employees of whom to call in case of an accidental discharge in violation of this subchapter. Employees may be directed to contact a designated agency official or to contact management personnel in the industry who in turn will contact the designated agency official. (Ord. 1-77, passed 2-10-77; Am. Ord. 35-85, passed 8-27-85; Am. Ord. 31-86, passed 5-8-86; Am. Ord. 13-83, passed 5-13-93) Penalty, see ' 51.99

#### ' 51.64 MONITORING FACILITIES.

(A) The agency may require the user to construct at his own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The cost of monitoring activities by city personnel may be charged to the user. The monitoring facility should normally be situated on the user's premises, but the agency may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the

public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(B) If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for agency personnel. There shall be ample room in or near sampling manholes to allow for accurate sampling and compositing of samples.

(C) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136 unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with methods approved by EPA.

(1) Sample collection. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be grab samples. Cyanides may be collected by composite sampling techniques if the absence of sulfide has been documented. All other parameters must be sampled using flow proportional composite sampling techniques. Where flow proportional composite sampling is unfeasible, the Agency may authorize time proportional sampling. A minimum of four grab samples (per discharge duration or 24 hours, whichever is shorter) may be authorized by the Agency where the user demonstrates that this will provide a representative sample of the effluent being discharged. Grab samples may be used to show noncompliance with instantaneous discharge limits.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93)

#### ' 51.65 INSPECTION.

(A) The agency may inspect the facilities of any user to ascertain whether the purpose of this subchapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow

the agency or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties.

(B) The agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the agency will be permitted to enter without delay for the purposes of performing their specific responsibilities.

(C) The agency and its representatives 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 agency employees. The agency shall indemnify the company against loss or damage to its property by agency employees, against liability claims and demands by agency employees, and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(D) The agency may require the industrial user to install monitoring equipment as necessary. The facilities sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at his own expense. All devices to measure wastewater flow shall be calibrated periodically to insure their accuracy.

(E) Any temporary obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user to the verbal or written request of Agency and shall not be replaced. The costs of clearing such access shall be born by the industrial user.

(F) Unreasonable delays in allowing Agency personnel access to the industrial users premises shall be a violation of this chapter.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 31-86, passed 5-8-86; Am. Ord. 13-83, passed 5-13-93)

#### § 51.66 CONFIDENTIAL INFORMATION.

(A) All information and data on a user obtained from reports, questionnaires, monitoring programs, and inspections shall be available to the public or other governmental agency without restrictions unless the user specifically requests and is able to demonstrate to the satisfaction of the agency that the release of this information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

(B) Information which might disclose trade secrets or secret processes shall not be made available for inspection by the public upon request by the user, but shall be made available to governmental agencies for use in making studies, judicial review, or in enforcement proceedings involving the user.

(C) Wastewater constituents and characteristics will not be recognized as confidential information.

(D) Information accepted by the agency as confidential shall not be transmitted to any governmental agency by the agency until and unless prior and adequate notification is given to the user. (Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85)

#### § 51.67 ADMINISTRATIVE ENFORCEMENT.

(A) The agency may revoke, after providing reasonable notice and opportunity for a hearing, any wastewater discharge permit, or terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this subchapter is found to exist or if it appears to the agency that an actual or threatened discharge presents an imminent danger to the welfare of persons, the environment, or the operation of the POTW. If the user fails to comply

voluntarily with the suspension order, within the time period determined by the agency, the agency must immediately commence judicial proceedings to make the user comply with the order. The agency can reinstate the wastewater discharge permit or wastewater treatment service and terminate judicial proceedings provided the user can prove elimination of the problem.

(B) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the agency, interpreting or implementing the provisions of this subchapter or in any permit issued herein, may file with the agency a written request for reconsideration within ten days of the decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. This request for reconsideration and a final determination by the agency shall be a condition precedent to the relief provided for in division (C) below.

(C) Any person aggrieved by any decision, action, or determination by the agency, including a decision upon a request for reconsideration, shall have the right to judicial review, with the Circuit or Superior Courts of Madison County, within 30 days after the making of the decision, action, or determination. The agency's decision, action, or determination shall remain in effect during the pendency of such judicial review, unless the court first shall find there is no significant hazard to health or risk of damage to the agency's wastewater collection system or treatment facilities, in which event the court may stay or supersede the effect of the decision, action, or determination upon the parties of such bond as the court may determine and order. (Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85)

#### • 51.68 PUBLICATION OF VIOLATORS.

(A) In compliance with the public participation requirements of Federal Regulation 40 CFR Part 25 in the enforcement of National Pretreatment Standards, the agency will notify the public by publishing in the two largest daily newspapers in the city the industrial

users, which during the previous 12 months were significantly violating applicable Pretreatment Standards or this subchapter.

(B) For the purpose of this section, **SIGNIFICANT NONCOMPLIANCE** shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the same daily maximum limit or average limit for the same pollutant parameter by any amount;

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation that the Agency believes to have caused, alone or in combination with other discharges, interference or pass through, including endangering the health of Agency personnel or the general public;

(4) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(5) Failure to provide within 30 days after the due date any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(6) Failure to accurately report noncompliance;

(7) Any other violations which the Agency determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 55-85, passed 8-27-85; Am. Ord. 13-3, passed 5-13-93)

**' 51.69 FALSIFYING INFORMATION.**

Any person who knowingly or who should have known makes any false statement, representation, or certification in any application, report, or other documents required by ' ' 51.51 through 51.68 or other applicable regulation, or who tampers with or knowingly renders inaccurate any monitoring device, will be subject to prosecution for the violation as required by state or local statute.

(Ord. 55-85, passed 8-27-85; Am. Ord. 352, passed 8-8-02) Penalty, see ' 51.99

**' 51.70 RIGHT OF APPEAL.**

Any discharger or any interested party has the right to request in writing an interpretation of a ruling by the agency on any matter covered by a municipal ordinance. Any inquiry made pursuant to this provision will not delay any enforcement proceeding executed by the Agency.

(Ord. 55-85, passed 8-27-85; Am. Ord. 35-02, passed 8-8-02)

**' 51.71 TENANT RESPONSIBILITY.**

Where an owner of a property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter.

(Ord. 13-83, passed 5-13-93)

**' 51.72 VANDALISM.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or any other part of the POTW. Any persons found in violation of this requirement shall be subject to the sanctions see out in ' 51.99.

(Ord. 13-83, passed 5-13-93) Penalty, see ' 51.99

**' 51.73 SEVERABILITY.**

If any provision of this code is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

(Ord. 13-83, passed 5-13-93)

**' 51.74 CONFLICTS.**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this code are hereby repealed to the extent of the inconsistency or conflict.

(Ord. 13-83, passed 5-13-93)

**' 51.75 SEARCH WARRANTS.**

If the Agency has been refused access to a building, structure, or property or any part thereof, and if the Agency has demonstrated probable cause to believe that there may be violation of this code or that there is a need to inspect as part of a routine inspection program of the agency designed to verify compliance with this code or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the municipal court judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Agency in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections shall be made without an issuance of a warrant.

(Ord. 13-83, passed 5-13-93)

**CONTRACT  
SEWER PROJECTS**

**' 51.80 ESTABLISHMENT OF INTEREST RATES.**

Agreements pertaining to contract sewers shall bear interest at a rate not exceeding 6% per annum. (Ord. 32-80, passed 7-10-80; Am. Ord. 75-82, passed 11-10-82; Am. Ord. 53-08, passed 12-11-08)

**' 51.99 PENALTY.**

(A) Whenever anyone violates any of the provisions of ' ' 51.02 through 51.12, a written notice, stating the offense and setting a time limit for correction thereof, shall be served on the offender by the Board of Works, or by their authorized representative. The offender shall within the time limit stated in the notice served on him, forever cease all violations. Any person, firm, or corporation who shall continue to violate any of the provisions of these sections shall on conviction thereof, be fined in any sum not exceeding \$2,500. A separate offense shall be deemed committed on each day during or on which the violation occurs or continues. ('64 Code, ' 111.99) (Ord. 1681, passed 6-9-43)

(B) (1) Any person found to be violating any provision of ' ' 51.51 through 51.70 may be served by the agency 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.

(2) Any person who shall violate any provision of ' ' 51.51 through 51.70 shall be guilty of an infraction, and upon conviction thereof, shall be subject to a fine in an amount between \$1 and \$2,500 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of ' ' 51.51 through 51.70 shall become liable to the agency for any expense, loss, or damage occasioned by reason of the violation.

(4) Nothing in this division shall restrict any right which may be provided by statute to the agency to bring other actions, at law or at equity.

(C) Any person who fails to file any reports required under this code within 30 days of the established due date shall be guilty of a minor infraction and upon conviction thereof shall be fined in any sum not exceeding \$1,000 for each day that the violation occurs or continues. (Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 52-90, passed 8-23-90; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 82-07, passed 12-13-07)