

TITLE V: PUBLIC UTILITIES

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CHAPTER 50: GARBAGE AND TRASH

Section

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GENERAL PROVISIONS

[Reserved for future legislation]

TRASH HAULING

§ 50.20 PRIVATE COLLECTORS; PERMIT; FEE.

(A) No person shall engage in the business of hauling any ashes, trash or debris over or along any of the streets or alleys of the town, without first having applied for and obtaining a license to do so from the Town Clerk-Treasurer.

(B) The deposit for such license shall be \$75, payable at the time of the filing of the application.

(C) The license shall remain in effect for a period of one year and may be reissued for additional one-year periods without making an additional deposit extension period provided such deposit remains on file in the office of the Clerk-Treasurer.

('66 Code, § 7.04.010) (Ord. 1-64, passed 5-12-64) Penalty, see § 50.99

Cross-reference:

Civil penalty schedule, see § 36.04

§ 50.21 REQUIRED EQUIPMENT.

No person shall haul any ashes, trash or debris over or along any of the streets or alleys of the town in any vehicle which shall not have adequate facilities for hauling trash and said vehicle shall keep all trash covered except during the time of loading and unloading.
(‘66 Code, § 7.04.020) (Ord. 1-64, passed 5-12-64) Penalty, see § 50.99

§ 50.22 LICENSE REFUSAL.

The Town Council shall have the right to refuse a license to any person who shall not have the equipment required by § 50.21 or who shall have been convicted of a violation of any section of this subchapter.
(‘66 Code, § 7.04.030) (Ord. 1-64, passed 5-12-64)

§ 50.23 DEPOSIT OF MATERIAL AT PUBLIC DUMPING GROUNDS.

All ashes, trash and debris hauled by any person shall be deposited at a public dumping grounds regulated by the town or designated by the Town Council.
(‘66 Code, § 7.04.040) (Ord. 1-64, passed 5-12-64) Penalty, see § 50.99

§ 50.24 SCATTERING OF MATERIAL.

No person hauling ashes, trash or debris over or along the streets or alleys of the town shall permit the same or part thereof to scatter on or along any of the said streets or alleys.
(‘66 Code, § 7.04.050) (Ord. 1-64, passed 5-12-64) Penalty, see § 50.99

§ 50.25 USE OF ALLEYWAYS.

(A) Commercial trash hauling vehicles are banned from driving on any alleyway located within the corporate limits of the town except when emptying commercial dumpsters.

(B) If a commercial trash hauler is found violating this section, he/she will be issued a written citation. If a single company accumulates five written citations within a rolling 12-month period, it will be grounds for the town to revoke the company's permit to haul trash in the town.
(Ord. 4-05-2011-1, passed 5-3-11) Penalty, see § 50.99

§ 50.26 LITTER.

No person shall place trash, refuse, or other debris on any street, sidewalk, ground or any location other than a trash can, dumpster, or other receptacle designed for holding waste and refuse. No real property owner or occupant shall allow trash, refuse or other debris to be placed on, or remain on, the exterior of his or her property in any place other than a trash can, dumpster or other receptacle designed for holding waste and refuse. Trash, refuse, and waste shall be placed in a dumpster, trash can or receptacle designed and intended for the placement of waste, trash and debris in such a manner so that all waste materials are not visible and are not able to spill out of the container.
(Ord. 2015-4, passed 6-9-15) Penalty, see § 50.99

§ 50.99 PENALTY.

Whoever violates any provision of §§ 50.20, 50.21, or 50.24 through 50.26 shall be fined a civil penalty. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. (See Civil Penalty Schedule in § 36.04)
(66 Code, § 7.04.060) (Ord. 1-64, passed 5-12-64; Am. Ord. 4-90, passed 12-18-90; Am. Ord. 2015-3, passed 6-9-15; Am. Ord. 2015-4, passed 6-9-15)

CHAPTER 51: WATER

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General Provisions

- 51.01 Addition of fluoride to water
- 51.02 Responsibility for water lines

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- 51.15 Water rates
- 51.16 Tapping fees
- 51.17 Temporary users
- 51.18 Collection or deferred payment charge

Cross-reference:

Utility account policies, see Ch. 55

GENERAL PROVISIONS

§ 51.01 ADDITION OF FLUORIDE TO WATER.

(A) *Approval of plans and specifications.* The Waterworks Superintendent is authorized and directed to have plans and specifications prepared for the purchases and installation of equipment to add (sodium fluoride) to the water being distributed by the city water works, and to submit them to the State Board of Health for approval. ('66 Code, § C.6.40.010)

(B) *Addition of fluoride approved.* Upon the approval of these plans and specifications by the State Board of Health, such equipment and supplies shall be purchased and installed in the manner provided by state law, and that thereupon the fluoride compound shall be added to the public water supply in sufficient quantities to bring the total amount of fluoride ions (F-) present in the finished water to the optimum concentration recommended by the State Board of Health but not exceeding 1.5 parts per million by weight. ('66 Code, § C.6.40.020)
(Res. passed 9-20-77)

§ 51.02 RESPONSIBILITY FOR WATER LINES.

The town's responsibility for servicing and/or repairing a water service line to an individual property will end at the first valve in the system after the connection to the water main.
(Ord. 03-01-2011-1, passed 4-5-11)

RATES AND CHARGES**§ 51.15 WATER RATES.**

(A) *Monthly rates and charges.* There shall be and there are hereby established for the use of and the service rendered by the waterworks system of the town the following rates and charges, based on the use of water supplied by the waterworks system:

| CONSUMPTION PER MONTH | |
|--|---|
| Water Usage (in cubic feet) | Monthly Rates and Charges (per cubic foot) |
| First 500 cubic feet | \$0.0401 |
| Next 1,500 cubic feet | \$0.0366 |
| Over 2,000 cubic feet | \$0.0299 |

(B) *Minimum monthly charge.* Each user shall pay a minimum charge in accordance with the size of meter installed, for which the user will be entitled to the quantity of water set forth in the metered schedule of rates.

| MINIMUM CHARGE PER MONTH | |
|-----------------------------------|---|
| Meter Size (in inches) | Monthly Rates and Charges (per cubic foot) |
| 5/8 - 3/4 | \$19.94 |
| 1 | \$37.30 |
| 1.5 | \$64.36 |
| 2 | \$85.79 |
| 3 | \$150.15 |
| 4 | \$171.59 |
| 6 | \$257.38 |

(C) *Fire hydrant rental.*

| Type | Rate per Year |
|---------------------|----------------------|
| Municipal hydrant | \$250.00 |
| Private hydrant | \$226.15 |
| Automatic sprinkler | \$226.15 |

('66 Code, § C.6.44.010) (Ord. 5-79, passed 7-3-79; Am. Ord. 11-79, passed - -79; Am. Ord. 03-18-2008, passed 3-18-08; Am. Ord. 03-03-2009-1, passed 4-21-09; 01-18-2011-1, passed 3-15-11; Am. Ord. 3-2013, passed 9-3-13; Am. Ord. 2015-9, passed 12-8-15)

§ 51.16 TAPPING FEES.

(A) Each user, in advance of the time he is connected with the waterworks system, shall pay a minimum tapping fee for a 3/4-inch tap of \$290.95 to cover the cost of tapping the main, furnishing and laying service pipe, corporation and stop cocks, service and meter box, meter and installing the meter.

(B) Each user, in advance of the time he is connected with the waterworks system, shall pay a minimum tapping fee for larger than a 3/4-inch tap a sum of money equal to the actual cost of such connection. In no event shall such connection charge be less than \$290.95.

('66 Code, § C.6.44.020) (Ord. 5-79, passed 7-3-79; Am. Ord. 03-18-2008, passed 3-18-08; Am. Ord. 03-03-2009-1, passed 4-21-09)

§ 51.17 TEMPORARY USERS.

Water furnished to temporary users, such as contractors, circuses and the like, shall be charged for on the basis of the above quantity rates as established by the Waterworks Superintendent.
('66 Code, § C.6.44.030) (Ord. 5-79, passed 7-3-79)

§ 51.18 COLLECTION OR DEFERRED PAYMENT CHARGE.

All bills for water service paid within 15 days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of 10% on the first \$3 and 3% on the excess over \$3.

('66 Code, § C.6.44.040) (Ord. 5-79, passed 7-3-79)

CHAPTER 52: SEWERS

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- 52.01 Responsibility of wastewater plant
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- 52.15 Rates and charges to be collected from customers
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Connection to and Use of Public and Private Sewers and Drains

- 52.30 Definitions
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- 52.44 Damage to municipal sewage works prohibited
- 52.45 Permission to enter properties
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Cross-reference:

Utility account policies, see Ch. 55

GENERAL PROVISIONS

§ 52.01 RESPONSIBILITY OF WASTEWATER PLANT.

The town accepts responsibility for its own Wastewater Treatment Plant.
(‘66 Code, § C.6.36.010) (Res. passed 6-21-88)

§ 52.02 ANNEXATION.

(A) Any corporation, firm, property owner, person or other entity shall first present their detailed plans and specifications of such projects to the town for its review and approval.

(1) Such corporation, firm, property owner, person or other entity shall first present their detailed plans and specifications of such project to the town for its review and approval.

(2) Such plans shall be reviewed by the town and may be referred by such town to an outside engineering firm for consultation and advice, the cost of which shall be paid for by the entity so requesting the town's water or sewer services.

(3) Thereafter, upon petition by such corporation, firm, property owner, person or other entity for annexation, the town shall prepare an annexation ordinance annexing said project into the town.

(B) No corporation, firm, property owner, person or other entity shall be furnished, hooked onto or served by town servers or water facilities without first having petitioned the town to have such property annexed to the town in accordance with this subchapter and IC 36-4-3-1 et seq.
(Ord. 5-8-96-1, passed 5-8-96)

RATES AND CHARGES**§ 52.15 RATES AND CHARGES TO BE COLLECTED FROM CUSTOMERS.**

For the use of and the services rendered by the sewage works, rates and charges shall be collected from the owner of each and every lot, parcel of real estate or building that is connected with the town's sanitary sewage system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the town, which rates and charges are payable as hereinafter provided and shall be in an amount determinable as follows in this subchapter.
(66 Code, § D.6.48.010) (Ord. 2-60, passed 3-16-60)

§ 52.16 RATES.

(A) The sewage rates and charges shall be based upon the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use, except as otherwise provided in this subchapter. Sewage service rates, based upon the amount of water used, shall be a flow charge of \$4.69 per 100 cubic feet.

(B) The minimum charge for sewage services, where the user is a metered water consumer, shall be based on the size of such water meter and shall be as follows:

| <i>Minimum Charge</i> | |
|-------------------------------|----------------------------|
| <i>Meter Size (in inches)</i> | <i>Monthly Base Charge</i> |
| 5/8 - 3/4 | \$12.24 |
| 1 | \$26.82 |
| 1¼ | \$41.33 |
| 1½ | \$58.76 |
| 2 | \$99.43 |
| 3 | \$225.40 |
| 4 | \$390.12 |
| 6 | \$884.31 |

(C) Unmetered users (per month) - Residential single family (assuming 630 cubic foot average): \$44.78.

(D) Sewer tap fee is \$379.50.

(E) Strength and character considerations.

(1) Rate surcharge based upon suspended solids:

Per pound of suspended solids for suspended solids received in
excess of 228 milligrams per liter of fluid 0.23

(2) Rate surcharge based upon BOD:

Per pound biochemical oxygen demand for BOD received in
excess of 200 milligrams per liter of fluid 0.27

(3) Rate surcharge based upon P.

Per pound of phosphorous for P received in excess of 4 milligrams
per liter of fluid 4.05

(4) Rate surcharge based upon NH₃.

Per pound of ammonia for NH₃ received in excess of 30 milligrams
per liter of fluid 0.28

('66 Code, § D.6.48.020 A. - C.) (Ord. 2-60, passed 3-16-60; Am. Ord. 3-83, passed 7-5-83; Am. Ord. 03-18-2008, passed 3-18-08; Am. Ord. 03-18-2008-1, passed 3-18-08; Am. Ord. 03-03-2009-1, passed 4-21-09; Am. Ord. 03-03-2009-2, passed 4-21-09; Am. Ord. 2019-3, passed 5-7-19)

§ 52.17 CHARGE FOR WATER USED IN MANUFACTURING PROCESSES AND THE LIKE.

In the case of water which is used in the process of manufacture, or for other purposes, not discharged into the public sanitary sewers, the town shall have the right to determine the amount discharged into the public sanitary sewers in such manner as the Town Council shall elect, and the sewage treatment service shall be billed accordingly.

('66 Code, § D.6.48.020 D.) (Ord. 3-59, passed 10-7-59)

§ 52.18 TOWN HAS RIGHT TO BASE CHARGES ON CERTAIN CRITERIA.

The town shall have the right to base its charges not only on volume but also on strength and character of the sewage and wastes which it is required to treat and dispose of, and the right to determine the strength and character of sewage in such manner and by such method as it may find practicable.

('66 Code, § D.6.48.020 E.) (Ord. 3-59, passed 10-7-59)

CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS**§ 52.30 DEFINITIONS.**

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

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five days at 20°C.

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

BUILDING DRAIN, SANITARY. A building drain that conveys sanitary or industrial sewage only.

BUILDING DRAIN, STORM. A building drain that conveys stormwater or other clear-water drainage, but no wastewater.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal. (Also called "house connection".)

BUILDING SEWER, SANITARY. A building sewer that conveys sanitary or industrial sewage only.

BUILDING SEWER, STORM. A building sewer that conveys stormwater or other clear-water drainage, but no sanitary or industrial sewage.

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

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed

to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term **SUBSTANTIAL DEGREE** is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals on the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered **COMPATIBLE** include:

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

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

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

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

FLOATABLE OIL. Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the town.

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

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

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

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

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

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

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

MAJOR CONTRIBUTING INDUSTRY. An industry that has:

- (1) A flow of 50,000 gallons or more per average work day;
- (2) A flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) In its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of Public Law 92-500 (the Clean Water Act); or
- (4) A significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

MAY. Is permissive.

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

NH₃N. The same as ammonia nitrogen measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in standard methods as defined herein.

NORMAL DOMESTIC SEWAGE. Shall have the same meaning as defined in the sewage rate ordinance.

NPDES PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewater to the navigable waters of the United States pursuant to Section 402 of the Clean Water Act.

P or PHOSPHORUS. The chemical element phosphorus.

PERSON. Any individual, firm, company, association, society, corporation, group or other entity.

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

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources prior to its introduction into a public treatment works.

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

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

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

- (1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- (2) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.
- (3) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(4) **PUMPING STATION.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

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

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

(1) **COMBINED SEWAGE.** Wastes, including sanitary sewage, industrial sewage, stormwater, infiltration and inflow, carried to the wastewater treatment facilities by a combined sewer.

(2) **INDUSTRIAL SEWAGE.** A combination of liquid and water-carried wastes discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

(3) **SANITARY SEWAGE.** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

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

SEWER. A pipe or conduit for carrying sewage.

SHALL. Is mandatory;

SLUG. Any discharge of water or wastewater that, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than ten minutes more than three times the average 24 hours concentration of flows during normal operation, and that adversely affects the collection system.

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

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

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

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

TOTAL SOLIDS. The sum of suspended and dissolved solids.

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

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

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated at 55°C for 15 to 20 minutes.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.
(Ord. 9-92, passed 2-18-1992)

§ 52.31 PUBLIC SEWERS AND DRAINS.

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

(B) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water. The town shall require the removal of unpolluted waters from any wastewater collection or treatment facility.

(C) Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers that have adequate capacity for their accommodation. However, no person shall use such sewers without the specific permission of the town. No new connection shall be made to any sanitary or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and suspended solids.

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

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

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

(G) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way, in which there is now located a public sanitary sewer of the town, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within 60 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.
(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.32 PRIVATE SEWERS AND DRAINS.

(A) Where a public sanitary sewer is not available under the provisions of § 52.31(G), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of \$15 shall be paid to the town at the time the application is filed.

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

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

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

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

(G) When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean, bank-run gravel or dirt. A public sewer shall be deemed to be available when the town public sewer line is located within 300 feet of any boundary of the property.

(H) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
(Ord. 9-92, passed 2-18-1992; Am. Ord. 1-2013, passed 3-5-2013) Penalty, see § 52.99

§ 52.33 BUILDING SEWER PERMITS REQUIRED; INSTALLATION AND CONNECTION OF BUILDING SEWERS.

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

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

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Inspector.

(3) Permit and inspection fees of \$15 for residential or commercial building sewer permit, and \$25 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

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

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

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

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. All taps or other devices utilized to connect into the town sewer lines shall be in the same condition as purchased from a manufacturer who regularly manufactures such items or devices. No person shall fabricate or alter any tap or other device utilized to connect with the town sewer lines. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and the *WPC Manual of Practice No. FD-5* shall apply.

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

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

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the *WPC Manual of Practice No. FD-5*. All such connections shall be made gas-tight and watertight. Before installation, any deviation from the prescribed procedures and materials must be approved by the Superintendent.

(J) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Inspector or his representative. The applicant shall provide the Inspector with access to all structures (and areas of structures) for the purpose of establishing compliance with division (H) above).

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

(L) Construction of new combined sewers shall be prohibited.

(M) New contraction tributary to an existing combined sewer shall be designed to minimize or delay inflow contribution to the existing combined sewer.

(N) The inflow and clear water connection for any new building to a combined sewer shall be made separate and distinct from the sanitary waste connection to facilities disconnection of the inflow and clear water connection, if a separate storm sewer subsequently becomes available.

(O) After completion of a new connection to a sanitary sewer, the property owner will be billed a tap fee as per § 52.16(D)

(Ord. 9-92, passed 2-18-92; Am. Ord. 1-2013, passed 3-5-13; Am. Ord. 4-2013, passed 11-11-13; Am. Ord. 2016-2, passed 7-5-16) Penalty, see § 52.99

§ 52.34 PROHIBITED DISCHARGES TO PUBLIC SEWERS; PRETREATMENT AND EQUALIZATION OF WASTE FLOWS.

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

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

(2) Any waters or wastes containing toxic (as described in Section 307A of the Clean Water Act) or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

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

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

(5) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies with jurisdiction over the discharge to the receiving waters.

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

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

(8) Materials that exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

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

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

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

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

(B) (1) If there are discharged, or are proposed to be discharged, to the public sewers, any waters or wastes containing the substances or possessing the characteristics enumerated in division (A) of this section, and that, in judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or that otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Require any industries to submit information on wastewater quantities and characteristics and obtain prior approval for discharges;

(b) Reject the wastes, in whole or in part, for any reason deemed appropriate by the town;

(c) Require pretreatment of such wastes to within the limits of normal sewage as defined;

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

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

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

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

(D) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. When required, the manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the town, the state water pollution control agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(E) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole, except for applications for NPDES permits, and reports thereof, which shall be conducted in accordance with rules and regulations adopted by the U.S. Environmental Protection Agency (40 C.F.R. pt. 136). In the event that no special manhole has been required, the control manhole shall be

considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

(F) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern, at such rates as are compatible with the sewer rate ordinance.
(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.35 PRETREATMENT OF INDUSTRIAL WASTES FROM MAJOR CONTRIBUTING INDUSTRIES.

In addition to any more stringent requirements established by the town, and any subsequent state or federal guidelines and rules and regulations, pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required, and is subject to the Rules and Regulations adopted by the U.S. Environmental Protection Agency (40 C.F.R. pt. 403), and *Guidelines Establishing Test Procedures for Analysis of Pollutants* (40 C.F.R. pt. 136).
(Ord. 9-92, passed 2-18-1992)

§ 52.36 PLANS AND SPECIFICATIONS FOR PRETREATMENT OR CONTROL FACILITIES.

Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the town, and no construction of these facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense, and shall be subject to periodic inspection by the town to determine that such facilities are being operated in conformance with applicable federal, state and local laws and permits. The owner shall maintain operating records and shall submit to the town a monthly summary report of the character of the influent and effluent, to show the performance of the treatment facilities, and for comparison against town monitoring records.
(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.37 DISCHARGE OF UNPOLLUTED WATER.

(A) Unpolluted water from air conditioners, cooling or condensing systems shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the town.

(B) A person may drain a swimming pool into a stormwater drain or a combined sewer only upon obtaining written approval from the town's Utility Superintendent, after the Utility Superintendent has determined that the amount or level of chlorine in the swimming pool water will not have a negative effect upon the town's facilities.

(C) Where a storm sewer is not available, discharge may be to a natural outlet approved by the town and by the state.

(D) Where a storm sewer, combined sewer or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer, pending written approval by the Superintendent.
(Ord. 9-92, passed 2-18-1992; Am. Ord. 1-2013, passed 3-5-2013) Penalty, see § 52.99

§ 52.38 PRETREATMENT OF INDUSTRIAL COOLING WATER.

Industrial cooling water, which may be polluted with insoluble oils, grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with § 52.37.

(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.39 PERTINENT INFORMATION REQUIRED OF NON-RESIDENTIAL USERS OF TREATMENT WORKS.

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

(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.40 SAMPLING TO DETERMINE STRENGTH OF WASTEWATERS.

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

(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.41 GREASE, OIL AND SAND INTERCEPTORS OR TRAPS.

(A) Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units.

(1) All interceptors or traps shall be of a type and capacity approved by the town.

(2) All interceptors or traps shall be located so as to be readily and easily accessible for cleaning and inspection.

(B) All grease, oil and sand interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.

(1) All interceptors or traps shall be of substantial construction, gas-tight, watertight, and equipped with easily removable covers.

(2) Where installed, all interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.42 NOTIFICATION OF UNUSUAL FLOWS OR WASTES DISCHARGED TO THE SEWER SYSTEM.

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

(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.43 COMPLIANCE WITH FEDERAL AND/OR STATE REQUIREMENTS.

All provisions of this subchapter and limits set herein shall comply with any applicable state and/or federal requirements now or projected to be in effect.

(Ord. 9-92, passed 2-18-1992)

§ 52.44 DAMAGE TO MUNICIPAL SEWAGE WORKS PROHIBITED.

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

(Ord. 9-92, passed 2-18-1992) Penalty, see § 52.99

§ 52.45 PERMISSION TO ENTER PROPERTIES.

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

(B) *Private properties.* While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the town employees. The town shall indemnify the company against loss or damage to its property by town employees, and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.34(E).

(C) *Easements.* The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 9-92, passed 2-18-1992; Am. Ord. 1-2013, passed 3-5-2013) Penalty, see § 52.99

§ 52.46 APPEALS.

After approval by the Town Council, rules and regulations promulgated by the town shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system to the Town Council, and that any decision of the Town Council concerning the sewage system may be appealed to a court of competent jurisdiction, under the appeal procedures provided for in the Indiana Administrative Adjudication Act.
(Ord. 9-92, passed 2-18-1992)

§ 52.99 PENALTY.

(A) Any person who drains a swimming pool in a manner not conforming to § 52.37(B) shall be fined in the sum of \$25.

(B) Other than a violation of § 52.37(B) regarding the improper draining of a swimming pool, any person who violates the provisions of §§ 52.30 et seq., in addition to being responsible for any costs or liabilities otherwise imposed under this subchapter, shall be fined the sum of \$2,500.

(1) Each subsequent violation of the provisions of this subchapter shall subject a person to a fine up to the sum of \$7,500.

(2) Each day that a violation occurs shall be deemed a separate offense.
(Ord. 1-2013, passed 3-5-2013)

CHAPTER 53: ELECTRIC SERVICE

Section

General Provisions

- 53.01 Service connections — in general
- 53.02 Overhead service connections
- 53.03 Underground service connections — residential customers
- 53.04 Underground service connections — commercial customers, apartment houses and the like
- 53.05 Underground residential subdivision distribution facilities except for apartments and trailer parks
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Electric Rates

- 53.15 Schedule 1 — electric residential service
- 53.16 Schedule 2 - commercial and/or small power and light service
- 53.17 Schedule 3 - electric municipal service a
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- 53.19 Schedule 5 - public street lighting service
- 53.20 Rate adjustment
- 53.21 Security lights
- 53.22 Miscellaneous fees

Cross-reference:

IMPA Commissioner appointed, see § 31.15

Utility account policies, see Ch. 55

Minimum requirements for wiring installations and electrical improvements, see § 150.20

GENERAL PROVISIONS

§ 53.01 SERVICE CONNECTIONS — IN GENERAL.

(A) The town shall install, own, and maintain the service lines from its facilities to the customer's meter on underground services.

(B) The town shall install, own, and maintain the electric distribution system. ('66 Code, § B.6.12.020 E.)

(B) Any changes made in service connections at the customer's request, after the original installation, shall be at the customer's expense.

('66 Code, § B.6.12.010 E.,F.)

(Ord. 11-73, passed 12-4-73)

§ 53.02 OVERHEAD SERVICE CONNECTIONS.

The town will designate the point at which the service lines will be connected to the customer's facilities. The customer's wires, at the point of connection with the town's lines, if service is overhead, shall extend at least three feet beyond the outer end of any conduit, weatherproof fitting, or insulator in order to facilitate this connection.

('66 Code, § B.6.12.010 A.) (Ord. 11-73, passed 12-4-73)

§ 53.03 UNDERGROUND SERVICE CONNECTIONS — RESIDENTIAL CUSTOMERS.

(A) A residential customer desiring an underground service which is to be connected to an overhead distribution system of the town shall at his own expense provide a conduit riser of a size designated by the town below the meter base to a depth below grade as required by the town. In addition, the customer shall make a nonrefundable contribution in aid of construction to the town in an amount equal to the product of the route of the proposed line distance in feet from the base of the town's riser pole to a point directly below the customer's meter multiplied by \$1.20. Such amount shall be paid to the town by the customer prior to actual construction of the service.

(B) A residential customer desiring an underground service which is to be connected to an underground distribution system of the town shall at his own expense provide a conduit riser of a size designated by the town below the meter base to a depth below grade as required by the town. In addition, the customer shall make a nonrefundable contribution in aid of construction to the town in an amount equal to the product of the route of the proposed line distance in feet from the termination of the town's facilities at the front or rear property line to a point directly below the customer's meter base multiplied by \$.75. Such amount shall be paid to the town by the customer prior to actual construction of the service.

('66 Code, § B.6.12.010 B., C.) (Ord. 11-73, passed 12-4-73)

§ 53.04 UNDERGROUND SERVICE CONNECTIONS — COMMERCIAL CUSTOMERS, APARTMENT HOUSES AND THE LIKE.

Underground service lines to a commercial customer, apartment house, apartment house complexes, or group of adjacent such customers whether served from the overhead distribution system of the town or an adjacent underground distribution system of the town will be available at an additional charge to the customer. A nonrefundable contribution in aid of construction to the town by the customer(s) shall be made in an amount equal to the estimated difference in installed cost between underground and overhead construction. Such amount shall be paid to the town by the customer(s) prior to actual construction of any underground service lines.

('66 Code, § B.6.12.010 D.) (Ord. 11-73, passed 12-4-73)

§ 53.05 UNDERGROUND RESIDENTIAL SUBDIVISION DISTRIBUTION FACILITIES EXCEPT FOR APARTMENTS AND TRAILER PARKS.

(A) For the construction of an underground electric distribution system (15,000 volts or less to ground for wye connected systems) in new residential subdivision or an existing residential subdivision in which electric distribution facilities have not already been constructed, the owner or developer of such subdivision(s) shall be required to make a nonrefundable contribution in aid of construction to the town

in an amount equal to the work order trench-foot measurement multiplied by \$1.50, which amount shall be considered to be the difference in cost between overhead and direct burial underground facilities. Such contribution in aid of construction shall be paid to the town by the owner or developer prior to actual construction of the underground system.

(B) The construction provided for in the \$1.50 per trench-foot contribution in aid of construction includes the extension of electric distribution facilities to the lot line of each lot in the underground service area of the subdivision.

(C) The developer or owner of any residential subdivision which is to be served by underground electric distribution facilities shall furnish to the town free of charge to the town drawings and prints and at least one "sepia" print or equivalent which indicates plotted lots, sewers, water lines, and any other pertinent data relative to the construction of underground electric distribution facilities by the town. The developer or owner shall furnish free of charge to the town all necessary easements required by the town for the construction and maintenance of an underground electric distribution facility.

(D) For complete underground electric primary and secondary service in a plot of ground there shall be a minimum of eight plotted lots.

('66 Code, § B.6.12.020 A. - D.) (Ord. 11-73, passed 12-4-73)

§ 53.06 OTHER UNDERGROUND DISTRIBUTION FACILITIES.

All classes of electric service except those specified in § 53.05 are available from the town at an additional charge to the customer. A nonrefundable contribution in aid of construction to the town by the customer(s) shall be made in an amount equal to the estimated difference in installed cost between underground and overhead construction. Such amount shall be paid to the town by the customer(s) prior to actual construction of any underground facilities.

('66 Code, § B.6.12.030) (Ord. 11-73, passed 12-4-73)

ELECTRIC RATES

§ 53.15 SCHEDULE 1 — ELECTRIC RESIDENTIAL SERVICE.

(A) *Availability.* Available through one meter for residential service, including lighting, household appliances, refrigeration, cooking, water heating, space heating and small motors not exceeding three horsepower individual capacity.

(B) *Character of Service.* Alternating current, 60 Hertz, single phase at a voltage of approximately 120 volts two-wire, or 120/240 volts three-wire.

(C) *Rate.*

| Rate Schedule for All Customers | | | | | |
|--|----------|----------|----------|----------|----------|
| Year of billing | 2016 | 2017 | 2018 | 2019 | 2020 |
| Customer charge per month | \$7.50 | \$8.50 | \$9.50 | \$10.50 | \$11.50 |
| Charge of KWH | \$0.0550 | \$0.0580 | \$0.0610 | \$0.0642 | \$0.0675 |

(D) *Water Heater Service.* (Not Applicable to the first 200 KWH per month.) The availability of water heater service is in the process of elimination and is withdrawn except for customers being served hereunder prior to December 13, 1984, and will not be applicable to any future customers. If service hereunder is at any time discontinued at the customer's option, water heater service shall not again be available.

(1) Where a customer has installed and in regular use an electric water heater with a capacity of at least 30 gallons, the next 400 KWH per month in excess of 200 KWH shall be billed at a rate of \$.4648 per KWH.

(2) Where a customer occupying a mobile home or trailer has installed and in regular use an electric water heater with a capacity less than 30 gallons, the next 100 KWH per month in excess of 200 KWH shall be billed at a rate of \$.4648 per KWH.

(E) *Minimum Charge.* The minimum charge shall be the customer charge.
(‘66 Code, § B.6.28.010) (Ord. 1-85, passed 1-8-85; Am. Ord. 2015-6, passed 12-1-15)

§ 53.16 SCHEDULE 2 - COMMERCIAL AND/OR SMALL POWER AND LIGHT SERVICE.

(A) *Availability.* Available to any customer for light and/or power purposes. Customer must be located on or adjacent to an electric distribution line of the utility which is adequate and suitable for supplying the service rendered.

(B) *Character of Service.* Alternating current, 60 Hertz, at any standard single phase and/or polyphase voltage supplied by the utility in the locality for which the service is requested.

(C) *Rate.* Same as residential rate.

(D) *Minimum charge.*

(1) The minimum charge shall be the customer charge for single phase service and shall be for polyphase service \$1.54 per horsepower or fraction thereof for the first five horsepower of the connected load and \$.77 per horsepower or fraction thereof for all connected power load in excess of five horsepower.

(2) Connected power load shall be the sum of:

(a) The horsepower rating of all connected motors; and

(b) The rated input capacity of all power equipment other than motors, each kilovolt-ampere of such input rating being considered as one horsepower of connected load. (**POWER LOAD** is defined as electricity used for any purpose other than lighting.)
(66 Code, § B.6.28.020) (Ord. 1-85, passed 1-8-85; Am. Ord. 03-18-2008-2, passed 3-18-08; Am. Ord. 2015-6, passed 12-1-15)

§ 53.17 SCHEDULE 3 - ELECTRIC MUNICIPAL SERVICE A.

(A) *Availability.* Available to any metered municipal customer for light and/or power purposes. Customer must be located on or adjacent to an electric distribution line of the utility which is adequate and suitable for supplying the service required.

(B) *Character of Service.* Alternating current, 60 Hertz, at any standard single phase and/or polyphase voltage supplied by utility in the locality for which the service is requested.

(C) *Rate.* Same as residential rate.

(D) *Minimum Charge.* The minimum charge shall be the customer charge.
(66 Code, § B.6.28.030) (Ord. 1-85, passed 1-8-85; Am. Ord. 03-18-2008-2, passed 3-18-08; Am. Ord. 2015-6, passed 12-1-15)

§ 53.18 SCHEDULE 4 - OPTIONAL RESIDENTIAL SPACE HEATING AND AIR CONDITIONING.

This Schedule 4 is in the process of elimination and is withdrawn except for customers served hereunder prior to December 13, 1984, and will not be applicable to any future customers. If service hereunder is at any time discontinued at the customer's option, this schedule shall not again be available.

Middletown - Public Utilities

(A) *Availability.* Available only for continuous year-round service to residential customers in private dwellings and to individually metered apartments where electricity is used hereunder for complete space heating, air conditioning, water heating, cooking and all other residential uses of energy.

(B) *Character of Service.* Alternating current, 60 Hertz, single phase at a voltage of approximately 120 volts two-wire, or 120/240 volts three-wire.

(C) *Rate.*

| <i>Electric Service</i> | <i>Rate per Month</i> |
|--|-----------------------|
| Customer charge | \$ 3.00 |
| First 300 KWH | 15.50 |
| Next 1,200 KWH | .4760 per KWH |
| Over 1,500 KWH | .4369 per KWH |
| Rates subject to adjustment, see § 53.20 | |

(D) *Minimum Charge.* The minimum charge shall be 18.50 per month.
(‘66 Code, § B.6.28.040) (Ord. 1-85, passed 1-8-85)

§ 53.19 SCHEDULE 5 - PUBLIC STREET LIGHTING SERVICE.

(A) *Availability.* Available for any standard overhead public street lighting service.

(B) *Character of Service.* Public street lighting service using lamps available under this schedule.

(C) *Rate.*

| <i>Type of Lamp</i> | <i>Rate per Lamp per Year</i> |
|------------------------|-------------------------------|
| 175 watt mercury vapor | \$ 68.76 |
| 400 watt mercury vapor | 110.88 |

(D) *Hours of lighting.* All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4,000 hours per annum.
(‘66 Code, § B.6.28.050) (Ord. 1-85, passed 1-8-85)

§ 53.20 RATE ADJUSTMENT.

The rate adjustment in Rate Schedules 1, 2, 3, and 4 shall be on the basis of a Purchase Power Cost Adjustment Tracking Factor occasioned solely by changes in the cost of purchased power and energy, in accordance with the order of the Public Service Commission of Indiana, approved May 2, 1984 in Cause No. 36835-S2 as follows:

Rate adjustment applicable to the rate schedules listed in this subchapter: \$0.002186 per KWH per month.
(‘66 Code, § B.6.28.060) (Ord. 1-85, passed 1-8-85)

§ 53.21 SECURITY LIGHTS.

(A) Each customer that has a security light shall be charged, in addition to the customer's monthly charges, the sum of \$10 per month for each security light that benefits the customer's property.

(B) **SECURITY LIGHT** means a light situated on a light pole that provides lighting exclusively for a customer's property and which light has been or is maintained by the town.
(Ord. 2-2012, passed 2-7-12)

§ 53.22 MISCELLANEOUS FEES.

(A) The following fee schedule is hereby established.

(1) \$6 per foot for any size underground wiring for residential purposes, including installation by the town's electrical crew.

(2) \$30 for 100 amp electrical boxes.

(3) \$40 for 200 amp electrical boxes.

(4) \$175 for (2 gang) 200 amp electrical boxes (example use: meter boxes for duplex/trailer park).

(5) \$350 for (4 gang) 200 amp electrical boxes (example use: meter box for apartments).

(B) These prices shall be paid prior to any installation being made at the Utility Office during normal business hours, Monday through Friday, from 9:00 a.m. to 5:00 p.m.

(C) No electrical boxes shall be given to contractors without proof of payment to town utility personnel at time of pick up.
(Ord. 04-06-2010, passed 4-6-10)

CHAPTER 54: STORMWATER UTILITY

Section

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§ 54.01 PURPOSE AND INTENT.

The purpose and intent of this chapter is to promote the health, safety and general welfare of the inhabitants of the Town of Middletown, Indiana by establishing a stormwater utility sufficient to plan, control, operate and maintain the town's stormwater management system.
(Ord. 8-17-04, passed 10-19-04)

§ 54.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning (words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary.) The word "may" is permissive.

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

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

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

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

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

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

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

(4) Computation of the parcel size, pavement area, roof area, or other area using data provided by the owner, tenant or developer. The authorized official may require additional information as necessary to make the determination.

CODE. The Town of Middletown, Indiana Municipal Code.

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

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

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

(2) **HIGH.** The composite coverage value is more than 0.5. **HIGH** coverage factor is hereby established as 3.0.

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

NON-RESIDENTIAL PROPERTY. All properties not encompassed within the definition of residential property, including but not limited to: commercial, industrial, retail, multi-family residential, governmental, institutional, schools and churches.

RESIDENTIAL PROPERTY. Any lot or parcel existing in the town on which a single building or mobile home is situated, containing up to and including four dwelling units.

SIZE FACTOR. The part of the non-residential rate equation representing the relative amount of surface area on a particular parcel. All surface area calculations shall be rounded to the nearest 1/10 of one acre. For purposes of this chapter, each non-residential parcel shall be assigned one of the following size factor categories as determined by the town:

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

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

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

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

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

STORMWATER UTILITY. A division of the Sewage Works as defined in IC 36-9-1-8(8) and (12).

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

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

TOWN. The incorporated town of Middletown, Henry County, Indiana.
(Ord. 8-17-04, passed 10-19-04)

§ 54.03 CREATION OF STORMWATER UTILITY.

A stormwater utility is hereby created as part of the Middletown Sewage Works. Said utility shall be responsible for all storm sewers and the collection and disposal of storm drainage. Said utility shall also be responsible for the implementation of all federal and state mandates regarding stormwater drainage and erosion control.
(Ord. 8-17-04, passed 10-19-04)

§ 54.04 GOVERNING BOARD.

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

(B) Area served by stormwater utility. The corporate limits of the Town of Middletown, Indiana, and all others who are served by the Sewage Works of the Town of Middletown, Indiana.

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

- (1) The power to enter into contracts.
- (2) The power to employ professionals.
- (3) The power to construct, maintain, and improve the stormwater utility structures.
- (4) The power to make plans and ordinances regarding the collection and disposal of stormwater within the town.

(5) The power to pass ordinances as provided for by Title 36 which impose just, reasonable and equitable fees or service charges for those who utilize the stormwater system and penalties to those who violate provisions of ordinances established for stormwater control and drainage.
(Ord. 8-17-04, passed 10-19-04)

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

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

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

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

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

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

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

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

(B) This would include but be not limited to the implementation of long range stormwater plans developed and approved by the Indiana Department of Environmental Management for elimination of combined sewer overflows and the construction of stormwater drains and sewers and maintain same within the town limits and the area served by the sewage works. All such expenditures for both capital and operating expenses must be first approved by the Town Council.
(Ord. 8-17-04, passed 10-19-04)

§ 54.06 STORMWATER UTILITY USER FEE.

A stormwater utility user fee shall be imposed on each and every lot or parcel of the of real property within the Town of Middletown, Indiana including those classified as non-profit or tax exempt, for services and facilities provided by the stormwater utility. This user fee is deemed reasonable and necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system of the town.
(Ord. 8-17-04, passed 10-19-04)

§ 54.07 STORMWATER UTILITY USER FEE STRUCTURE.

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

(A) Residential;

(B) Non-residential; or

(C) Non-developed property.

(Ord. 8-17-04, passed 10-19-04)

§ 54.08 SCHEDULE OF RATES.

(A) Effective for the billing cycle beginning January 1, 2015, the monthly stormwater utility user fee for all developed residential properties within the town shall be \$8.25. The Common Council, from time to time, by ordinance may amend the monthly charge established in this section.

(B) Until such time that the town completes the classification procedure, the monthly stormwater utility user fee imposed for non-residential properties as defined herein shall be \$12. Upon the town's completion of the classification procedure, the monthly stormwater utility user fee imposed for non-residential properties as defined herein shall be coverage factor X size factor X \$8.25.

(C) Until such time that the town completes the classification procedure, the monthly stormwater utility user fee imposed for non-developed properties as defined herein shall be \$3. Upon the town's completion of the classification procedure, the monthly stormwater utility user fee imposed for non-developed properties as defined herein shall be 0.25 X low coverage factor X size factor X \$8.25, that is being equal to 25% of the low coverage non-residential size classification.

(D) The tap fee for a connecting to the stormwater system shall be the same as the sanitary sewer tap fee as per § 52.16(D).

(Ord. 8-17-04, passed 10-19-04; Am. Ord. 03-18-2008-1, passed 3-18-08; Am. Ord. 03-03-2009-2, passed 4-21-09; Am. Ord. 6-2013, passed 12-17-13; Am. Ord. 2016-2, passed 7-5-16)

§ 54.09 BILLING AND PAYMENT; PENALTIES.

(A) Bills or statements for the stormwater utility user fee shall be rendered monthly, in accordance with they regular sewage utility billing cycle, by the utility billing division of the town for all properties subject to the fee. Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth for the sewer utility. Any partial payment of a combined utility bill shall be applied first to the stormwater utility user fee. Any unpaid stormwater utility user fees shall constitute a lien on such property except the liens of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such lien, when delinquent for more than 30 days, may be foreclosed by the town in the manner provided by the laws of Indiana for the foreclosure of mortgages on real property.

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

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

(D) The owner of a property is ultimately responsible for all fees imposed under this chapter.
(Ord. 8-17-04, passed 10-19-04)

§ 54.10 CONNECTIONS TO STORMWATER SEWER SYSTEM.

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

(B) The owner of the property or his agent shall make application to connect to the stormwater sewer on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Utilities Superintendent.

(C) The plans and specifications shall be reviewed by the town's engineer at the permit applicant's expense. The town's engineer will review the proposed additional conveyances into the stormwater sewer system and make a determination as to whether modifications will need to be made to the plans to reduce stormwater quantity discharge and or protect stormwater quality. Such modifications may be, but are not limited to retainage ponds, detention ponds, storm water quality structures, etc. Only after review by Middletown's engineer, and acceptance by the town, may the construction proceed for the connection into the stormwater sewer system.

(D) The permit and inspection fee of \$25 shall be paid to the Clerk-Treasurer at the time the application is filed.

(E) All costs and expenses incident to the installation and connection to the stormwater sewer, including the engineering review of the plans by the town's engineers, shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the connection to the stormwater sewer system.

(F) The size, slope, alignment, materials of construction and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town.

(G) The applicant for the stormwater sewer connection shall notify the Utilities Superintendent when the connection is ready for inspection. The testing of the connection shall be made under the supervision of the Utilities Superintendent of his/her representative. The applicant shall provide the Utilities Superintendent with access to all structures for the purpose of establishing compliance.

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

(I) After completion of a new connection to the stormwater sewer, the property owner will be billed a tap fee as per § 54.08(D).
(Ord. 2016-2, passed 7-5-16)

CHAPTER 55: UTILITY ACCOUNT POLICIES

Section

- 55.01 Utility accounts
- 55.02 Attachment of sewer liens

§ 55.01 UTILITY ACCOUNTS.

(A) Customers requesting utilities service must first pay a \$10 application fee to be deposited in the utilities' operating funds.

(B) After paying this fee, the new customer must fill out an application form, which will include name, service address, billing address (if different from service address), social security number, and mobile phone number.

(C) The customer's name will be checked against current accounts receivable and bad debt listings. If any outstanding debt is found to town utilities, that debt must be paid before any more processing of this new account.

(D) If the customer is residential, the customer's social security number will be used for a credit check using the onlineutilityexchange.com system. If the risk assessment returns a "green light", then no deposit will be required. If it returns a "yellow light", deposits of \$150 for electric, \$75 for water and \$75 for sewer will be collected. If it returns a "red light", a deposit of \$300 for electric, \$100 for water and \$100 for sewer will be collected. If it returns a yellow or red light, an "adverse letter" will be given to the customer explaining why.

(E) If the customer is commercial or business, the deposit will be set at two months average bill for the most recent year at that address, or \$500, whichever is higher. The deposit will be prorated between the three deposit funds in the following ratio: Electric 60%, Water 20%, Sewer 20%. Each year, the Clerk-Treasurer will review all commercial and business accounts to adjust their deposits accordingly. A commercial or business customer may be offered a payment plan (not to last more than six months) to pay the differential between the current deposit and what is required.

(F) Meters will be read as close to the date of bill mailing as possible.

(G) Bills will be mailed out on the last day of the month, unless that day falls on a weekend or Monday, in which case the bills will be mailed on the preceding Friday.

(H) If the entire balance is not paid by the 15th of the month, a penalty of 10% on wastewater and 10% on the first \$3 and 3% on all over \$3 will be added to electric and water charges.

(I) If a customer is receiving assistance for their utility bill from ICAP during the months of November, December, January, February, or March, that customer will not be subject to shut-off.

(J) If the entire balance is not paid by the 22nd day of the month, the customer will be scheduled for shut-off on the 29th day of the month or as soon thereafter as possible. A notification letter will be mailed to the customer warning them of the impending shut-off. The customer may avoid shut-off by signing a payment agreement contract stating they will, from now on, pay their current charges by the 15th of each month, plus 10% of the past due balance, until the entire balance is paid in full. The customer must pay at least 10% of the balance at the time of signing the payment agreement.

(K) The notification letter will also provide that any customer that wishes to dispute any charge or the delinquency of a balance must provide written notice to the Utility Office, within five days after the date of the notification letter, describing why the customer believes that a charge is inaccurate, the balance is not delinquent or that utility service should not be discontinued. If a customer does not deliver notice to the Utility Office within five days following the date of the notification letter, the customer's utility service may be discontinued in the manner set forth above.

(L) If a customer delivers a letter to the Utility Office setting forth the reasons why a charge is inaccurate, the balance is not delinquent or that utility service should not be discontinued, the customer shall be provided an opportunity to meet with the Town Clerk/Treasurer or his/her designee within three business days following delivery of the customer's letter. If a customer fails to attend this meeting, the customer's utility service may be discontinued in the manner set forth above. During the meeting, the customer shall be permitted to attempt to explain and demonstrate why a charge is inaccurate, the balance is not delinquent or utility service should not be discontinued.

(M) The Clerk/Treasurer shall inform the customer, in writing, of his/her decision as to the customer's account within three business days following the meeting. If, after receipt of the Clerk/Treasurer's decision, the customer continues to believe that a charge is inaccurate, the balance is not delinquent or that utility service should not be discontinued, the customer may request a hearing with the Town Council. In order to request a hearing in front of the Town Council, the customer must deliver a written request to the Clerk/Treasurer within three business days after receipt of the Clerk/Treasurer's decision. If a customer fails to request a hearing in front of the Town Council, the customer's utility service may be discontinued immediately.

(N) Any hearing with the Town Council shall occur at the Town Council's next regular meeting following receipt of the customer's request for hearing or at such other time and place as determined by the Town Council. During the hearing, the customer shall have the opportunity to attempt to explain and demonstrate why a charge is inaccurate, the balance is not delinquent or utility service should not be discontinued. Any decision made by the Town Council as to the customer's account shall be final, subject only to review as permitted by applicable law.

(O) Any customer under a payment agreement must pay their contracted amount by the 15th of the month or face immediate shut-off without a warning letter.

(P) Any customer who is still on the list to be shut-off at 8:30 a.m. on the day of shut-off will be charged a \$50 reconnect fee.

(Q) When an account is made final, any deposit on record will be applied to the account. Any amount left will be refunded.

(R) After deposits have been applied, if the customer still owes a balance to town utilities, a bill will be mailed immediately to their forwarding address. Bills will also be mailed each month to this forwarded address for two more months, after that, no more bills will be mailed.

(S) If an account has been final for 90 days and still owes a balance, a lien will be filed on the property at the County Clerk's office for the sewer and storm sewer balance owed. The electric and water balance will be turned in to a collection agency.

(T) A certified letter, return receipt requested, will be sent to the property owner on record for all rental properties 60 days delinquent as per IC 36-9-23-32(c). The cost of sending the notice (\$10) will be billed to the property owner. This letter will state that the tenant is past due over 60 days and that a lien may be filed against the property for sewer and storm sewer charges.

(U) If an account has been final for two years and still owes a balance, the account will be moved to the bad debt list and the balance adjusted off the current accounts receivable system. A list of newly listed bad debt accounts will be presented to the Town Council at the first public meeting of each month.

(V) All notices required under this policy to be delivered to a customer shall be deemed complete and effective upon:

- (1) Deposit in the United States Mail to the customer's last known address; or
- (2) By delivery to the customer or customer's agent or employee; or
- (3) By posting in a conspicuous place at the property receiving utility service.

(W) All notices under this policy to be delivered to the Utility Office or the Town Clerk/Treasurer shall be deemed complete upon:

- (1) Personal delivery and receipt by a Utility Office employee or the Clerk Treasurer; or
- (2) Delivery of the notice by certified mailing, signature guarantee or other like method sufficient to evidence receipt.

(X) For purposes of this policy the term **BUSINESS DAY** shall be any day the Utility Office is open for business.

(Ord. 6-2012, passed 7-3-12; Am. Ord. 2018-4, passed 1-8-19)

§ 55.02 ATTACHMENT OF SEWER LIENS.

(A) The public utilities shall establish a procedure by which notice is mailed to property owners prior to attachment of a lien for non-payment of sewer service.

(B) The landlord or property owner must provide the town with a current mailing address. The failure to provide such an address to the town's Utility Office relieves the town from any responsibility under this provision.

(C) Nothing in this section requires the town to make inquiry regarding the nature of its customer's ownership interest in real estate, conduct any title search regarding the ownership interest in real estate, or maintain histories regarding real estate ownership.

(D) Failure of the town to give notice as prescribed herein does not relieve the property owner or the tenant from liability for utilities nor does it provide a defense to any remedy available to the town for the collection of same.

(Ord. 09-01-2009, passed 9-1-09)