

ORDINANCE 2002-4
TOWN OF MILLERSBURG
SEWER USE ORDINANCE

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the Town of Millersburg, Indiana, and providing penalties for violations thereof.

WHEREAS the Town Council of the Town of Millersburg maintains a sewage works and is responsible for operating, maintaining, regulating, and controlling that sewage works in accordance with the requirements of law;

WHEREAS the Town Council of the Town of Millersburg, Indiana desires to revise and update its Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the Town of Millersburg, Indiana, and providing penalties for violations thereof;

WHEREAS the Town Council of the Town of Millersburg, Indiana desires to modify and update prior Ordinance No.1977-8 and to replace and supersede the same by this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLERSBURG, INDIANA:

Section 1. This Ordinance may be referred to as the "Town of Millersburg Sewer Use Ordinance."

Section 2. Except as provided herein, the definitions contained in 40 CFR Section 401.11 and 40 CFR Section 403.3, as amended, shall be applicable in this Ordinance and are hereby incorporated by reference. For purposes of this Ordinance, the terms below shall be defined as follows:

- (a) "Board" shall mean the Town Council of the Town of Millersburg, Indiana, or any duly authorized officials or representatives acting in its behalf.
- (b) "Building Drain" shall mean the lowest horizontal piping of a building drainage system which receives the discharge of sewage from drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.
- (c) "Building Sewer" shall mean the extension from the building drain to the public sanitary sewer, private sewage disposal system, or other place of disposal.
- (d) "Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
- (e) "IDEM" shall mean the Indiana Department of Environmental Management.

(f) "Inspector" shall mean 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 sanitary sewer system.

(g) "Interference" shall mean a discharge into the public sanitary sewer system which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the sewage works, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the sewage works' NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations 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, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including 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, and the Marine Protection, Research and Sanctuaries Act.

(h) "NPDES Permit" shall mean a National Pollutant Discharge Elimination System Permit setting forth conditions and limitations for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to the Federal Water Pollution Control Act.

(i) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(j) "Pass Through" shall mean a discharge into the public sanitary sewer system which exits the sewage works into waters of the United States 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 sewage works' NPDES Permit (including an increase in the magnitude or duration of a violation).

(k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, limited partnership, limited liability partnership, limited liability company, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana and political subdivisions thereof, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(l) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

(m) "Pollutant" shall mean dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discarded into water.

(n) "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d), as amended. Pretreatment is subject to all applicable rules and regulations contained in the Code of Federal Regulations as published in the Federal Register under regulation 40 CFR Part 403, as amended.

(o) "Private Sewer" shall mean a sewer that is not owned by public authority.

(p) "Process Wastewater" shall mean any water which, during manufacturing, processing, or clean-up comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(q) "Properly Shredded Garbage" shall mean 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 sanitary sewers, with no particle greater than one-half (1/2) inch in any dimension.

(r) "Public Sanitary Sewer" shall mean a sanitary sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector Sewer shall mean a sanitary sewer whose primary purpose is to collect wastewater from individual point source discharges.

Interceptor Sewer shall mean a sanitary sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force Main shall mean a sanitary sewer in which wastewater is carried under pressure.

Pumping Station shall mean a station positioned in the public sanitary sewer system at which wastewater is collected and pumped to a higher level.

(s) "Sanitary sewer" shall mean a sewer that carries sanitary sewage and to which storm, surface, and ground water and other unpolluted water are not intentionally admitted.

(t) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions (including polluted cooling water). The two most common types of sewage are:

Sanitary Sewage shall mean the combination of liquid and water-carried wastes discharged from toilets, lavatories, kitchens, and other sanitary waste producing facilities typically associated with domestic uses.

Industrial Sewage shall mean the combination of liquid and water-carried wastes which is discharged from any commercial or industrial establishment resulting from any trade or

process carried on in that establishment (this shall include process wastewater, the wastes from pretreatment facilities, and polluted cooling water). Industrial sewage excludes unpolluted water and waste which contains exclusively sanitary sewage.

(u) "Sewage Works" shall mean the public sanitary sewers, structures, equipment, and processes to collect, transport and treat sewage and dispose of the effluent and accumulated residual solids.

(v) "Sewer" shall mean a pipe or conduit for sewage.

(w) "Shall" is mandatory; "May" is permissive.

(x) "Significant Industrial User" shall mean:

(1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(2) Any other industrial user that:

(i) Discharges an average of 25,000 gallons per day or more of process wastewater to the sewage works (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the sewage treatment plant; or

(iii) Is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the sewage works' operation, the quality of biosolids such that it may negatively impact land application, or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(y) "Slug" shall mean any discharge of sewage or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five (5) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation and which adversely affects the sewage works.

(z) "Storm Sewer" shall mean a pipe or conduit for conveying storm, surface, and ground water or other unpolluted water from any source and to which sanitary sewage and industrial sewage are not intentionally admitted.

(aa) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Millersburg, Indiana, or his authorized deputy, agent, or representative.

(bb) "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams/liter.

(cc) "Town" shall mean the Town of Millersburg, Indiana.

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

(ee) "USEPA" shall mean the United States Environmental Protection Agency.

(ff) "Wastewater" shall mean water in which sewage has been discharged.

(gg) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 3.

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

(b) No person shall discharge or cause to be discharged to any sanitary sewer under the jurisdiction of the Town, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, noncontact cooling water, or other unpolluted water.

(c) Storm water, surface water, ground water, roof runoff, subsurface drainage, noncontact cooling water, or other unpolluted water may be admitted to storm sewers under the jurisdiction of the Town which have adequate capacity for their accommodation. No person shall connect to such storm sewers, however, without the specific written permission of the Superintendent.

(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, sewage, or other water containing pollutants except where suitable treatment has been provided in accordance with the provisions of this Ordinance and an NPDES Permit.

(e) No person shall discharge or cause to be discharged to any natural outlet in the Town, or in any area under the jurisdiction of the Town, any wastewater, sewage, or other polluted water except where suitable treatment has been provided in accordance with provisions of this Ordinance and an NPDES Permit.

(f) Except as provided in the Elkhart County Private Sewage Disposal System Ordinance, it shall be unlawful to construct or maintain in the Town 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, abutting on any street, alley, or right-of-way in which there is now or may hereafter be located a public sanitary sewer under the jurisdiction of the Town, is hereby required at the owner's expense to install suitable toilet and sanitary facilities therein and to connect such facilities with the proper public sanitary

sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sanitary sewer is within three hundred (300) feet of the property line. Upon connection to the public sanitary sewer lines, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(h) No new connection to the Town's sewage works shall be approved that would create either a hydraulic or organic overload on the treatment plant, which is herein defined as any discharge that will exceed ten percent (10%) of the dry weather design capacity of the collection system or treatment plant, without an approved containment or pretreatment plan.

Section 4. Where a public sanitary sewer is not available under the provisions of Section 3(g), the building sewer shall be connected to a private sewage disposal system in accordance and complying with the provisions of the Elkhart County Private Sewage Disposal System Ordinance.

Section 5.

(a) No person shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary sewer, private sewer, or appurtenance thereof which is connected, directly or indirectly, to the Town of Millersburg Sewage Works under the jurisdiction of the Town without first obtaining a written permit from the Superintendent. No new connections shall be made to a public sanitary sewer unless there is capacity available to all existing users, downstream sewers, lift stations, force mains, and the sewage treatment plant.

(b) The owner or his agent shall make application for a building sewer permit on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. An inspection fee shall be paid to the Town at the time the application is filed in accordance with the Sewer Rate Ordinance.

(c) All costs and expenses 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. A connection fee shall be paid to the Town prior to connection being made to the Town's sewage works in accordance with the Sewer Rate Ordinance.

(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 which 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 said Inspector, to meet all requirements of this Ordinance.

(f) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joint testing, and backfilling the

trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(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 sanitary sewer, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, sump pumps, exterior foundation drains, areaway drains, floor drains, or other sources of storm, surface, and groundwater or other unpolluted water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer under the jurisdiction of the Town.

(i) The connection of a building sewer into the public sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(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 sanitary sewer. The construction shall be made under the supervision of the said Inspector or his representative.

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

Section 6.

(a) No person shall discharge or cause to be discharged any of the following to any public sanitary sewers under the jurisdiction of the Town:

(1) Pollutants that create a fire or explosion hazard in the sewage works, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21.

(2) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the sewage works resulting in interference.

(3) Subject to any other limitations or prohibitions contained within this Ordinance, the following pollutants may be discharged to the Town's sewage works subject to surcharges for concentrations (identified by laboratory analysis in mg/l) greater than as listed below, in accordance with the terms of the Sewer Rate Ordinance:

<u>POLLUTANT</u>	<u>mg/l</u>
BOD5	240
Suspended Solids	240
Ammonia	30
Phosphorous	4
Fats, wax, grease, or oils, collectively, whether emulsified or not	100

(4) Heat in amounts that will inhibit biological activity in the sewage works resulting in interference, but in no case heat in such quantities that the temperature at the sewage treatment plant exceeds forty (40) degrees Centigrade (one hundred four [104] degrees Fahrenheit).

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

(6) Pollutants that result in the presence of toxic gases, vapors, or fumes within the sewage works in a quantity that may cause acute worker health and safety problems.

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

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

(9) Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the sewage works, or that interferes with any sewage treatment process.

(10) Solid or viscous substances, diluted or undiluted, 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, plastic, wood, underground garbage, blood, paunch, manure, hair and fleshings, entrails, paper, dishes, cups, cans, milk containers, etc., either whole or ground by garbage grinders.

(11) Any waters or wastes containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a hazard or toxic effect in the receiving waters of the sewage treatment plant, or to exceed the limitations set forth in the applicable Federal Categorical Pretreatment Standards or other pretreatment standards or regulations issued by USEPA or the IDEM. Toxic pollutants are those identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended. In no case shall any user discharge any chemical, compound, or substance in concentrations

greater than ten percent (10%) of the LD50 limit as listed on the most recent MSDS for that chemical, compound, or substance.

(12) No user shall discharge wastewater containing concentrations of the following enumerated pollutants exceeding the following limits (in mg/l). The Superintendent may establish more stringent limitations by permit on any user found to be a significant industrial user.

<u>POLLUTANT</u>	<u>mg/l</u>
Arsenic	0.15
Cadmium	0.33
Chromium (Hexavalent)	0.25
Chromium (Total)	2.50
Copper	2.00
Cyanide (Total)	0.30
Lead	0.33
Mercury	0.0001
Nickel	2.00
Phenols	0.67
Selenium	0.67
Silver	0.20
Zinc	2.50
TTO	2.13

(b) No person shall discharge or cause to be discharged any of the following into a public sanitary sewer under the jurisdiction of the Town without a written permit from the Superintendent. In determining the acceptability of these wastes, the Superintendent will give consideration to the public sanitary sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.

(2) Any water or waste containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty (32 and 150) degrees Fahrenheit or zero and sixty-five (0 and 65) degrees Celsius.

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

(4) Any waters or wastes containing acid iron pickling wastes or plating solutions whether neutralized or not.

(5) Any radioactive wastes.

(6) Any waters or wastes having a pH in excess of 9.0.

(7) Materials which exert or cause:

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

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

(c) Unusual volume of flow or concentration of wastes that constitute a "slug" as defined herein.

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

(9) Any trucked or hauled pollutants.

(10) Any pollutant(s) that could otherwise cause pass through or interference.

(c) No person shall discharge or cause to be discharged any industrial sewage, process wastewater, or any other waste except for sanitary sewage to any public sanitary sewer under the jurisdiction of the Town without a written permit from the Superintendent on a form approved by the Superintendent.

(d) If any waters or wastes are discharged, or are proposed to be discharged, to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in Section 6(a), (b), or (c) of this Ordinance as determined by the Superintendent, the Superintendent may:

(1) Require the submission of information on wastewater characteristics and obtain prior approval for such discharges from IDEM.

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

(3) Require pretreatment of such wastes to within the limits of normal sanitary sewage as defined or to within limits approved by IDEM.

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

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

(6) Require any other measures that the Superintendent or the Board has legal authority to require.

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 Board and subject to the requirements of all applicable laws, codes, ordinances, and regulations.

(e) 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 the owner's expense.

(f) The Superintendent may require the owner of any property serviced by a building sewer to install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observations, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed and maintained by the owner at the owner's expense so as to be safe and accessible at all times. Agents of the Town, the IDEM, and the USEPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing upon presentation of appropriate credentials and identification.

(g) The Superintendent may control through permit, order, or similar means, the contribution to the sewage works by each user to ensure compliance with this Ordinance, the Town's NPDES permit, and all other applicable standards and requirements. In the case of a significant industrial user, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user.

(h) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with appropriate methodologies accepted and approved by USEPA, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Report thereof shall be provided to the Superintendent within five (5) days after the results are received by the user. 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 sanitary sewer to the point at which the building sewer is connected. Sampling shall be carried out pursuant to USEPA accepted methods.

(i) It shall be unlawful for any person to place, deposit, discharge, or permit to be deposited or discharged, in any manner whatsoever, any substance into a public sanitary sewer under the jurisdiction of the Town at a point different than the proposed building sewer connection to the sanitary sewer system.

(j) No statement contained in this ordinance shall be construed as preventing any separate agreement or arrangement between the Town and any user whereby waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the user, at such rates as are compatible with the Sewer Rate Ordinance, so long as said agreement or arrangement does not directly or indirectly allow any discharge which will cause pass through or interference or in any way cause the Town to violate the terms of its NPDES Permit.

Section 7. Pretreatment of industrial sewage prior to discharge to the sewage works is required in accordance with and subject to the rules and regulations adopted by the U.S. EPA (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the Town and subsequent state or federal guidelines and rules and regulations.

Section 8. Plans, specifications and any other pertinent information relating to pretreatment facilities shall be submitted for approval of the Town, and no construction of such 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 the owner's expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with the applicable Federal, State, and local laws, regulations, and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.

Section 9. Unpolluted water from air conditioners, cooling systems, condensing systems, or swimming pools shall be discharged to a storm sewer, where it is available, upon written approval by the Town. Where a storm sewer is not available, discharge may be to a natural outlet upon written approval by the local, state, or federal authority with jurisdiction over the natural outlet.

Section 10. The Superintendent may require users of the sewage works to supply pertinent information on wastewater flow characteristics and constituents in order to verify compliance with the requirements of this Ordinance. Such measurements, tests, and analyses shall be made by the user at the user's expense. The Town may also have such measurements, tests, and analyses performed with the expense of such assessed to the user at the option of the Town. Whenever the Town obtains or receives a wastewater or sewage sample for analysis, the Town shall offer to split the sample with the user in order to allow the user an opportunity to conduct duplicate analytical tests in order to verify the analytical results received by the Town.

Section 11. Grease, oil, and sand interceptors or traps shall be provided by a user when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful pollutants. All interceptors or traps shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily accessible for cleaning and inspection. All interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures, shall be of substantial construction, shall be gas tight, and shall be equipped with easily removable covers. Where installed, all interceptors or traps shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. When the user fails to clean and/or maintain the interceptor or traps sufficiently, the Superintendent may, in his discretion, require the user to comply with a maintenance schedule established by the Superintendent through a discharge permit.

Specifications for grease, oil, and sand interceptors or traps shall be in accordance with Sections 711, 712, 713, of the Indiana Plumbing Rules, 1981 Edition (660 IAC 9, originally published as 4 IR 2398), which identifies, amends, and incorporates therein the Uniform

Plumbing Code, 1979 Edition. Copies of the aforementioned rules, regulations, and codes adopted herein by reference are on file in the office of the Superintendent.

Section 12. Users of the sewage works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sanitary sewer system.

Section 13. No person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest.

Section 14.

(a) The Superintendent, Inspector, and other duly authorized employees and representatives of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, review of MSDS information, measurement, sampling, and testing in accordance with the provisions of this Ordinance. While performing any necessary work on private property referred to herein, the Superintendent, Inspector, and other duly authorized employees and representatives of the Town shall observe all reasonable safety rules applicable to the premises established by the owner.

(b) The Superintendent and other duly authorized employees and representatives of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a right-of-way or an 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in accordance with the terms of the easement.

(c) Should any person deny, prohibit, interfere with, or otherwise stop or impede the entry onto any property pursuant to this Ordinance by the Superintendent, Inspector, or other duly authorized employees or representatives of the Town bearing proper credentials and identification, the Town shall be entitled to seek and secure an immediate temporary restraining order without notice, preliminary injunction, or injunction prohibiting such stoppage or blockage, and authorizing and permitting the entry desired by the Town. Any person causing such stoppage or blockage, or in any fashion aiding or abetting the same, shall be liable for all costs and expenses encountered by the Town in securing such entry, the same to include court costs, attorney fees, and reimbursement for administration and employee time and expense.

Section 15.

(a) Any person required by this Ordinance to install a building sewer and connect the same to a public sanitary sewer of the Town who fails to do so consistent with the notice provisions of Section 3(g) above shall be required to pay to the Town a civil fine of Five Hundred Dollars (\$500.00). Additionally, any such person failing to install and connect such building sewer to the public sanitary sewer within the ninety (90) day notice provision aforescribed, shall immediately from and after the passage of said ninety (90) days, become liable and responsible for the sewage rate charges established by the Town of Millersburg Sewer Rate Ordinance as would pertain to unmetered properties. The assessment of such sewer charges shall continue for each month from and after the

commencement thereof until such time as the building sewer is properly installed and connected to the public sanitary sewer consistent with the provisions of this Ordinance. Any person failing to pay the Five Hundred Dollar (\$500.00) civil fine herein stated, or failing to pay the sewer charges herein recited, shall be subject to all rights and remedies of the Town pertaining to failure to pay sewage charges, to include interest, penalties, attorney fees, and other costs of collection, all as set forth in the Town of Millersburg Sewer Rate ordinance.

(b) Any person found to be violating any provision of this Ordinance shall be served by the Town 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 such notice, permanently cease all violations. In addition, the offender, upon conviction, shall be subject to a civil fine of up to Five Hundred Dollars (\$500.00) for each violation with each day of violation constituting a separate offense.

(c) Any person who shall continue any violation beyond the time limit provided for in Section 15(a) or 15(b) shall be guilty of a further violation and on conviction thereof shall be fined in an amount not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) for each such violation. Each day in which any violation shall continue shall be deemed a separate offense under this subsection. For any continuing violation, the Town shall also be entitled to an injunction against the violator for the actions involved along with a shut off order allowing the Town to shut off the violator's supply of municipal water from the Town until all violations cease and are corrected.

(d) Any person violating any of the provisions of this Ordinance shall be liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation, including but not limited to, the costs and expenses of locating the source of the violation, repairing any damage to the sewage works caused by such violation, attorney fees, court costs, sampling and laboratory costs, engineering fees, administrative time and expense, labor, and all other costs associated with enforcement and compliance with this Ordinance.

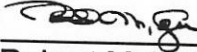
Section 16. Any person who believes himself aggrieved through a decision or action of the Superintendent in the administration of this Ordinance may appeal and seek review thereof before the Board.

Section 17. All ordinances or parts of ordinances in conflict herewith are repealed upon the effective date of this Ordinance. Prior Ordinance Number 1977-8 shall remain enforceable for violations which occur prior to the effective date of this Ordinance. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts. This Ordinance does not obviate or eliminate the necessity of complying with any other applicable federal, state, or local laws, rules, and regulations governing the matters regulated by this Ordinance.

Section 18. Subject to publication requirements, this Ordinance shall take effect on February 1, 2002.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLERSBURG ON THE 11 DAY OF February, 2002.

TOWN COUNCIL OF THE TOWN OF MILLERSBURG, INDIANA

By 
Robert Majdak, Council President

By 
Greg Baumgartner, Council Member

By 
Max Miller, Council Member

Attest:


Wanda R. Chupp Clerk/Treasurer