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CHAPTER 50: WATER

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GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

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

APPLICANT. Any person applying for water services; a prospective customer.

CONSTRUCTION WATER. Water to be used on a temporary basis which is necessary to complete the construction of the building or facility at a premises and shall not include water to be used for domestic, irrigation or landscaping purposes.

CROSS-CONNECTION. Any connection between a safe drinking water supply system, public or private, and a potential source of contamination through which backflow can occur. A direct **CROSS-CONNECTION** physically joins a safe and unsafe system. An indirect **CROSS-CONNECTION** is an arrangement allowing unsafe liquid to be sucked, blown, or diverted into a safe system.

CURB STOP or **CUSTOMER SERVICE CONNECTION.** A fitting or valve inserted in the service pipe or at the exit point in a curb meter pit located near the curb, main or point designated by the utility. Used for connecting or disconnecting water service to the premises supplied or to be supplied or to determine the point of ownership between the utility and the customer.

CURB BOX. The cylinder shaped vessel that extends to ground level and is visible by the round locking lid on the surface. This allows access to the curb stop with a special turn off key used for performing connects and disconnects.

CURB METER. A term indicating that the meter is located at or near the curb in a meter pit/meter tile and not located in the basement or other parts of the customer's building.

CUSTOMER SERVICE CONNECTION. The connection point such as the curb stop or the exit fitting inside a curb meter tile, located near the curb or street right-of-way or point designated by the utility, from which the customer will connect the private service line to city services. The **CUSTOMER SERVICE CONNECTION** is also the defining point of responsibility for maintenance and repair between the water utility and the customer/owner.

CUSTOMER or **CONSUMER.** The person having any interest, whether legal or equitable, sole or only partial, either as tenant, contract purchaser or owner, in any property which is, or is to be, supplied with water service, either temporarily or permanently, by the utility and all those having such interest.

DEFRAUDING UTILITY. The act of requesting or receiving utility service(s) under fictitious circumstances or any other act done with the intent to deprive utility of its right to payment.

DISTRIBUTION MAIN. A pipe owned by the utility, located in a street, easement, road, right-of-way and/or alley and used to deliver water:

- (1) To fire hydrants or fire lines;
 - (2) To service pipes attached to said main;
- and
- (3) To private mains.

INDIANA UTILITY REGULATORY COMMISSION (IURC). That state body empowered with the ultimate authority to approve or amend rates and charges assessed and collected by the utility.

MAY. Permissible.

METER. A mechanical device owned by the utility and used to measure and record the quantity of water supplied to the customer. The **METER** is the official recorder of the amount of water consumed by a customer.

METER PIT. The in-ground containment vessel/structure that houses an outside meter in an underground fashion to protect from freezing. The structure is often a cylinder shape with a round cast-iron lid used for accessing the meter for reading and maintenance. Some shutoffs known as angle valves are located in this structure as well as serving the same purpose as a curb stop. In a utility owned curb **METER PIT**, the customer service connection is usually the yoke ell fitting.

METER TILE. A component of a meter pit that is in the shape of a cylinder and was once comprised of clay or concrete tile. The term is often used interchangeably with **METER PIT**.

METER VAULT. A larger inground containment vessel/structure that houses larger outside meters as opposed to smaller residential meters being housed in meter pits/tiles. Such structures are normally constructed by the customer and are owned and maintained by same.

MONTH. The period between any two consecutive regular billings by the utility for service rendered to a customer at his premises. Such billings are scheduled at intervals of approximately 30 days. For purposes of billing, a **MONTH** is 25-35 days. Any bills produced outside this parameter shall be pro-rated, on a per day basis.

MONTHLY METER SERVICE FEE. A charge assessed each customer to recover administrative costs and those associated with billing, meter reading and maintenance of the water system, based on the size of the meter.

OWNER. That person holding the deed or record title to a premises. For the purposes of these terms and conditions, a contract purchaser is not considered an **OWNER**.

PERSON. Any individual, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity.

PREMISES. A dwelling, building, structure or parcel of real estate which is normally supplied through one separate service pipe and meter installation.

PRIVATE FIRE SERVICE. A privately owned arrangement of pipes, fixtures and devices designed for stand-by service and from which water is taken only for the extinguishment of fires.

PRIVATE MAIN. A privately owned pipe connected to the utility's distribution system and used to deliver water:

(1) For private fire service purposes; and/or

(2) For general service purposes; service rendered through such **PRIVATE MAIN** shall be billed directly by the utility in accordance with established rates unless otherwise provided by written contract.

REMOTE READING DEVICE. A generating and transmitting device which works in conjunction with the water meter and connected by a wire to a receiving unit located outside of the premises being served. The **REMOTE READING DEVICE** is not the final gauge of the amount of water consumed by a customer, and a reading obtained therefrom is superseded by the reading taken from the meter. However, bills are regularly calculated on the monthly reading from the **REMOTE READING DEVICE**.

SERVICE CONNECTION. That portion of a service pipe situated between and including the tap, curb meter pit and the curb stop up to and including the customer **SERVICE CONNECTION**, which is installed and/or maintained by the utility.

SHALL. Mandatory.

SPECIAL PURPOSE WATER. Water usage that is temporary in nature and does not follow normal meter installation and billing procedures.

TAP or CORPORATION STOP. A fitting owned by the utility and inserted in the distribution main to which the service pipe is attached.

THEFT OF UTILITY SERVICE. Obtaining/receiving water service from a fire hydrant or otherwise without permission or agreement of the utility and with intent not to pay for such service. See also **DEFRAUDING UTILITY**.

UTILITY OFFICE. The Anderson Utility Office, a department within the Division of City Utilities of the City of Anderson, Indiana, having its principal office located at City Hall, 120 East 8th St. Anderson, Indiana, and engaged in providing services involving billing, credit and service account establishment for all city owned utility departments.

WATER UTILITY. The Anderson Municipal Water Utility, a department within the Division of City Utilities of the City of Anderson, Indiana, having its principal office at 550 Baxter Road, Anderson, Indiana, and engaged in operating the public water supply system in the city and its environs.

WATER WELL. Any system used to pump, access, or otherwise bring to the surface underground sources of water existing under, upon or within the confines of any premises located within the corporate limits of the city, for the purpose of human consumption or other use.

UTILITY. The municipal utility, the collective effort and authority of the utility office and water utility as a whole.

(Ord. 50-06, passed 7-13-06)

§ 50.002 SCHEDULE OF RATES AND CHARGES.

(A) A copy of the schedule of rates and charges is on file with the IURC. A copy of the schedule of rates and charges and the general terms and conditions for water service is available at the business office of the utility.

(B) The IURC has continuing jurisdiction over the schedule of rates and charges. The schedule of rates and charges may be revised or changed from time to time in the manner prescribed by the Public Service Act of Indiana (as amended), or by other applicable laws and any such changes, when approved by the IURC, will supersede the present schedule of rates and charges.

(C) The general terms and conditions for water service sets forth the conditions under which service is to be rendered and governs all classes of service to the extent applicable.

(Ord. 50-06, passed 7-13-06)

§ 50.003 APPLICATION OR AGREEMENT.

(A) A written application or agreement shall be required by utility before service will be provided, which, when accepted by utility, shall constitute the agreement between utility and customer. Utility shall have the right to reject any application for any valid reason.

(B) The utility shall not be required to provide water services, on a temporary or permanent basis, unless and until there shall be a written service application or contract, acceptable to, and on file with the utility. Applicant must show positive identification when applying for service. In the absence of picture ID, a minimum of two proofs of identification shall be required, (i.e., certified copy birth certificate, verifiable social security card).

(C) If applicant is leasing or buying on contract the premises where service is sought, a copy of the current lease or contract must also be provided. All occupants must be identified.

(D) Commercial and industrial customer contracts shall be executed by an individual with authority to bind the business and shall be accompanied by assurance of payment satisfactory to the customer service supervisor.

(E) A written contract for service shall be in full force and effect until the party contracting for service serves the utility with notification of termination of service.

(F) The utility may reject an application for any of the following reasons:

(1) If the utility shall determine that the applicant has or is defrauding or attempting to defraud the utility;

(2) If the utility shall determine that the applicant has an unpaid balance, unless the applicant shall pay said balance in full prior to new service; provided, however, that if the applicant shall have

been discharged of the debt or obligation by proceedings in the United States Bankruptcy Court, service shall not be refused for failure to pay said unpaid balance;

(3) If the utility shall determine that the use or condition of the premises would result in waste, pollution, or damage to property of the utility or to others, or if said use or condition would result in a violation of any ordinance or statute; or

(4) If the utility shall determine that the use or condition of the premises, or the actions of the customer, or any person acting on behalf of or with the permission of the customer, shall violate any duly adopted terms and conditions of the utility.

(G) If the utility denies service, it shall notify the applicant, stating the precise facts upon which the utility based its determination.

(H) In the event that any person shall be aggrieved by any determination by the utility under the foregoing, said person may submit in writing a request to the director of utilities to review the decision.

(I) All applications for water services and water main extensions must be made at the office of the utility.

(J) The utility will upon payment of the service charge and the applicant obtaining a plumbing permit from the plumbing inspector, install the tap, service line, curb stop and or curb meter pit at or near the curb or street right of way.

(K) Until an approved contract for water service has been executed and a meter has been installed, or arrangements are made to pay for special purpose water usage, water shall not be turned on at any premises. Water shall not be turned on unless there is at least one adult person present to see that all water outlets on the premises are closed in order to prevent water leakage or damage. A liability release can be signed to waive someone being present. Water service shall be turned on only by a utility representative.

(L) The utility shall operate private curb stops and service valves, upon request, when possible. However, in operating same, the utility shall not assume responsibility for any damage or leakage that may occur. Any repairs to private facilities shall be at the customer's expense. It is the customer's responsibility to maintain private curb stop(s) in operating condition, at an accessible location.

(M) No agent or employee of utility has the authority to mend, modify, alter or waive any part of The rate schedule or any provision included in the general terms and conditions for water service.

(N) In written agreements, no promises, agreements or representations of an agent or an employee of utility shall be binding unless such promises, agreements or representation were incorporated in the agreement before its execution and approval.

(O) The benefits and obligations under any agreement shall be binding upon the successors and assigns, survivors and executors or administrators, as the case may be, of the original parties for the full term of the agreement; provided, however, that no assignment shall be made by customer without first obtaining utility's written consent. Utility may require the successor either to execute with utility an assignment agreement wherein the successor-customer assumes and agrees to be bound by the original agreement or to execute a new agreement for service. (Ord. 50-06, passed 7-13-06)

RATES AND BILLING

§ 50.020 SERVICE DEPOSITS.

(A) The utility may require the customer at any time prior to or after commencement of service to make a deposit. Customer applying for service may be asked to make a service deposit unless customer can furnish utility a letter of good payment record from another utility. A service deposit is equal to 1/6 of customer's expected annual billing.

(B) A new or additional deposit may be required from a present customer who receives disconnect notices for two consecutive months, or any three months in a preceding 12-month period, or whose service has been disconnected for nonpayment.

(C) The utility shall have reasonable time in which to read the meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit.

(D) The required service deposit for those accounts that have been disconnected for non-payment with a household income at or below 150% of poverty level may be reduced upon verification of household income by the Anderson Township Trustee or an appropriate social agency.

(Ord. 50-06, passed 7-13-06)

§ 50.021 RENDERING AND PAYMENT OF BILLS.

(A) Bills for service will be rendered monthly at intervals of approximately 30 days and will be based on the charges set forth in the schedule of rates and charges and are payable at the office of utility or to its authorized collection agencies.

(B) All bills are rendered as "net" bills, which will be subject to a late payment charge of 10% of the first \$3.00 plus 3% of the remaining balance of such net bill when not paid within 15 days following the date of issue of the bill. When the due date falls on the weekend or on any legal holiday, the first business day thereafter shall be added to the due date.

(C) Failure to receive a bill shall not entitle customer to pay the net bill after the designated date has passed. Upon request, utility will inform customer of the approximate date on which customer should receive the bill each month and, if the bill is lost, utility will issue a duplicate.

(D) Final bills will be due and payable at the time of discontinuance of service or due date on bill. When utility is unable to obtain the reading of a meter after reasonable effort, it may estimate the reading and

render a bill, so marked. In the event that the meter has been estimated four consecutive months, utility has the right to disconnect until egress has been made. In the event utility's meter fails to register properly for any reason, utility shall estimate customer's water use and/or other bill determinants during the period of failure based on such factors as customer's historical usage during a like corresponding period.

(E) When utility is required to reprocess a check rendered for payment of a customer's bill due to non-sufficient funds, a handling charge may be charged to customer. The handling charge will be the amount listed for the bad check charge on the utility's schedule of non-recurring charges approved by the Indiana Utility Regulatory Commission. For those customers who have been charged for non-sufficient funds, utility may require that all future payments be made in cash or money order.

(Ord. 50-06, passed 7-13-06)

§ 50.022 FINANCIAL AGREEMENTS.

(A) *Short-term agreement.* A payment agreement may be entered into for past-due accounts for the total bill amount under \$500. The total bill amount is defined as all utility services. A 10% down payment is required with the balance due in ten working days. Customers failing to meet the obligation of the agreement will have their service disconnected without further notice and will not be eligible to enter into an additional financial agreement for a period of one year. If the customer has successfully completed a prior obligation within the previous 12 months, the customer will be eligible for an additional financial agreement.

(B) *Long-term agreement.* A payment agreement may be entered into for the past-due accounts for the total bill amount over \$500. The total bill amount is defined as all utility services. A 50% down payment is required with the balance divided into four equal monthly payments due in addition to current charges by the due date of each month's billing. A customer failing to meet the obligation of the agreement will have their service disconnected without further notice and will be required to pay all

past due amounts on the agreement prior to be reconnected. A customer failing to meet the obligation a second time will have their service disconnected without further notice and will not be eligible to enter into an additional financial agreement for a period of one year. If the customer has successfully completed a prior obligation within the previous 12 months, the customer will be eligible for an additional financial agreement

(C) Payment agreement extensions may be given by utility's management under extenuating circumstances.

(Ord. 50-06, passed 7-13-06)

§ 50.023 CUSTOMER'S REQUEST TO DISCONTINUE SERVICE.

(A) Customer's who have not contracted for service for a specified term may have service discontinued by giving notice at utility's office of the date on which customer desires that service be discontinued. Utility will endeavor to obtain the final meter reading on the date customer specifies in his notice, but shall not be obligated to do so unless customer's notice provides utility at least three working days with access to the meter. Customer shall be obligated to pay for service rendered to customer until the final meter reading is obtained by utility. A customer who has contracted for service for a specified time may have service discontinued by giving notice at utility's office and agreeing to pay for service used to the date of disconnection. Customer shall also be liable for the minimum charges, if such charge exists, which would be due utility for the remaining period of the agreement in accordance with the agreement provisions.

(B) A customer requesting that the water department shut off service to a property is done to relieve the customer of the obligation to pay for water service. A shutoff does not guarantee that no water damage will occur. A mechanical failure, vandalism, or other causes may result in water still being supplied to your property after a shutoff. The owner or occupant must take measures to prevent water damage, even after a shutoff. Such measures may include:

(1) Closing valves in the main supply line to the house;

(2) Draining pipes, toilet tanks, water heaters, water softeners, or other stored water in the system;

(3) Adding appropriate levels of antifreeze to any water that will remain in the system during cold weather (such as in drain traps);

(4) Maintaining a least minimal heat during cold weather;

(5) Periodically checking for leaks or damage.

(C) If water damage occurs after a shutoff, it will be the responsibility of the owner or occupant to repair that damage. The utility is not responsible for any damage resulting from turning off or failing to turn off water service to a property.

(D) The customer will be required to sign a written acknowledgment and agree to hold the utility harmless from any damages.

(Ord. 50-06, passed 7-13-06)

§ 50.024 UTILITY'S RIGHT TO DISCONTINUE SERVICE.

(A) Utility may discontinue service to any customer without notice for any of the following reasons:

(1) When, in the utility's opinion, a condition exists that is dangerous or hazardous to life, physical safety or property;

(2) When emergency repairs must be made to utility's facilities or system;

(3) When there has been tampering with utility's meters or equipment, or evidence of fraudulent or unauthorized use of water in such a manner as to circumvent utility's meter; or

(4) When ordered to do so by a court, the IURC, another duly authorized public authority or authorized governmental agency.

(B) Utility may discontinue service to any customer with reasonable notice for any of the following reasons in accordance with the rules and policies of utility:

(1) When any bill remains unpaid;

(2) When planned repairs are to be made to utility's facilities or system;

(3) When customer denies access by employees of utility to its meter or other facilities;

(4) When customer uses equipment in such a manner as to adversely affect utility's system or service supplied by utility to other customers; or

(5) When customer fails to comply with the provisions of either the tariffs, the applicable rate schedule, the general terms and conditions for water service, or the agreement for service.

(C) Discontinuance of service in accordance with the provisions stated above shall not constitute a breach of any obligation of utility under any agreement for service with customer, and utility shall not in any case be liable to customer for any damages resulting from such discontinuance of service.

(Ord. 50-06, passed 7-13-06)

§ 50.025 RECONNECTION CHARGE.

When utility has discontinued service for nonpayment of a bill, temporary removal of meters, changes in service, or any other cause, utility reserves the right to charge customer an amount for reconnection commensurate with the cost listed on the utility's schedule of rates and charges.

(Ord. 50-06, passed 7-13-06)

50.026 SERVICE TO BE FURNISHED.

(A) Upon request, the customer shall present to the utility a written list of devices which are to be attached to the utility's lines, giving the location of the building. The utility then shall advise the form and character of the supply available.

(B) Before utility will make any changes in its facilities to increase capacity to a customer, a new application or agreement for service may be required by the utility.

(Ord. 50-06, passed 7-13-06)

§ 50.027 CUSTOMER'S INSTALLATION.

(A) Owners of the premises shall install the private service line from the curb stop or customer service connection into the house or building and maintain same at their expense.

(B) The private service line after the customer service connection, as well as all private plumbing, shall be installed in accordance with the codes and standards established by the City of Anderson Building Commissioners Office. This line shall not be covered until inspected by the plumbing inspector.

(C) All private service lines to be connected to the utilities system shall first fall under the jurisdiction of the City of Anderson Building Commissioners office. Areas outside the city corporate limits may then fall under the additional jurisdiction of the Madison County Building Commissioners office.

(D) A stop and waste valve of a standard make and type, designated by local codes, must be installed in the private service line for the protection of the customer. Install this valve where the pipe enters the house or building, in accordance with applicable plumbing codes, so that the owner can turn water off or on to control water. This valve can be located in basement.

(E) Private meter pits/vaults are to be installed by the customer at the customer's own expense for any meter pits or vaults that will house any meter or appurtenances larger than one inch. The utility will construct and install curb meter pits near the curb or street right away at a size of one inch or less for a fee. All private meter pits/vaults shall be constructed and installed in accordance with specifications established by the water utility. The location of such private construction will be subject to approval by the water utility. The construction must adhere to plans and specifications before a meter will be installed and water service is provided. Plans and specifications are available at the water utility upon request.

(F) All internal plumbing shall be under the jurisdiction of the appropriate building code enforcement agency.

(G) No one but an authorized employee/agent of the utility shall be permitted to make any connection to the water mains or distribution pipes of the utility. Water service shall not be turned on except by authorized employees/agents of the utility.

(H) Utility shall have the right to inspect customer's installation to determine that the use of customer's equipment will not adversely affect utility's system or service supplied by utility to other customers and to refuse to commence service or to continue service when such installation is deemed not to be in good operating condition, but utility does not under any circumstances assume responsibility in connection with customer's installation.

(Ord. 50-06, passed 7-13-06)

§ 50.028 RESALE OF WATER PROHIBITED.

The water or service furnished under these rules is for the use of the customer on his or her own premises. He or she shall not resell any water or service without written consent of the utility.

(Ord. 50-06, passed 7-13-06)

§ 50.029 INCREASE IN LOAD.

The service connections and meters supplied by the utility have definite capabilities; no substantial addition to the water consuming equipment or appliance connected thereto should be made except after written notice to and written consent by the utility.

(Ord. 50-06, passed 7-13-06)

§ 50.030 INTERRUPTION OF SERVICE.

The utility shall not be responsible for damages for any failure to supply water service, for interruption of the supply of water, for defective piping on the customer's premises, for damages resulting to a customer or to third persons from the use of water, or the presence of the utility's devices on the customer's premises.

(Ord. 50-06, passed 7-13-06)

§ 50.031 EXTENSION OF SERVICE.

(A) Utility will extend mains and facilities in accordance with the rules and policies of utility. These rules and policies intend to place the cost of installation of local water mains upon the owners of the property benefitted.

(B) Whenever, in the opinion of the utility, the necessary expenditure to make connection to an applicant for service is not warranted by utility's estimate of prospective revenues to be derived therefrom, or whenever, in the opinion of utility the permanence of the customer's usage is questionable, utility may require the applicant to make a non-refundable contribution in aid of construction. Such contribution in aid of construction shall be paid to the utility by customer and/or developer prior to the actual construction of the extension.

(Ord. 50-06, passed 7-13-06)

§ 50.032 DEFERRED PAYMENT.

Persons tapping into a water main extension shall be required to pay their pro-rata share of the construction cost; that portion reimbursable to a previous contributor of the main extension may, by written agreement be collected by the utility, together with its share of the cost reimbursement, and shall be forwarded to the person entitled thereto.

(Ord. 50-06, passed 7-13-06)

§ 50.033 SERVICE CONNECTIONS.

(A) For properties not currently served by the utility, or those desiring additional service, application should be made at the utility office. Determination of accessibility and all costs, including assessments and tap fees, shall be made depending upon location and size of service requested. All fees shall be satisfied prior to service installation. Tap fees include the installation of service from the water main to and including the curb stop. Installation of the service from the valve to the building is the sole responsibility of the property owner. The property owner shall assure all necessary permit and/or inspection requirements are satisfied through the City of Anderson Building Commissioners Office. Final inspection and approval from the building department is required prior to the installation of a water meter by the utility. The water utility may at utility's sole discretion, under certain circumstances, execute special agreements for supplying water to properties not adjacent to a utility water main.

(B) The utility reserves the right to determine the placement of each service connection so the curb stop shall, as a general rule, be located between the present or proposed sidewalk and the curb, or at such other location that shall, in the judgment of the utility, provide a safer, more convenient or more satisfactory location for the curb stop and curb box.

(C) The utility shall furnish the labor, equipment and materials for and install or cause to be installed, the service connection, which includes the tap in the main, the curb stop and box and that portion of the service pipe between them. The customer shall pay the

utility for the cost of such service connections installed or caused to be installed by the utility. For regular 3/4 inch services totally installed by the utility, a standard price shall be charged. For services larger than three-quarter inch, the actual cost of the service connection shall be charged.

(D) The customer, at his or her own expense, shall install or cause to be installed the service pipe beyond the curb stop and into his or her own premises. The utility and Anderson Building Commissioners Office reserve the right to inspect each service run made by a plumber, a contractor or an individual customer for proper materials and depth of service before the service trench is backfilled. The utility and the Anderson Building Commissioners Office must be informed the work is completed so an inspection may be performed prior to backfilling. If notice is not provided, the property owner may be required to uncover the work so the inspection may be performed. However, the quality of materials and workmanship going into such service run shall be the customer's responsibility.

(E) Private service lines three inches and larger in diameter shall be disinfected in accordance with ANSI/AWWA C651-9, or latest revisions, at the customer's expense, before the water supply to such service pipes is turned on for usage. The customer or the contractor shall perform the disinfection of such service pipes. At least three samples obtained from the service pipes on consecutive days must prove the water to be satisfactory for usage, which shall be reported in writing to the Water Engineering Department of the utility by a laboratory qualified to make such analysis and acceptable to the utility. The water utility reserves the right to require such disinfection on any size private service line where ever it deems it necessary to protect the integrity of the public water supply system.

(F) As a general rule, water service shall be furnished through a single service pipe to only one property or address. Where a single property consists of several units or buildings, and is served by a single service pipe, the property owner has the option of valving and metering each unit or building separately, in which case a separate curb stop must be provided,

outside the building and accessible to the utility, for each metered unit or building. If the situation is exceptional, requiring special consideration, the utility may make such arrangements as the circumstances require. The utility may require the customer/property owner to pay for the installation of individual curb meter tiles and extend individual private service lines into the building.

(G) All private service lines three inches and larger in diameter, are recommended to be constructed of ductile iron pipe and a class in pressure rating designated by the codes imposed by the Building Commissioners Office. Any substitution of materials will conform to local codes and standards. No service pipe shall be less than 3/4 of an inch nominal diameter, and all service pipes shall be installed with minimum of four feet of cover.

(H) Private meter pits and meter vaults shall conform to the standards and specifications set forth by the water utility. Location of such meter pits and vaults shall be approved by the water utility before construction commences. Final approval for conformance to specifications will occur before a meter will be installed and water service is provided.

(I) A private service line between the distribution main and a building shall be run in a direct line, whenever it is practicable and possible, without bends and at a depth of not less than four feet. No pipe having joints shall be driven. Service pipes shall not be laid in the same trench with sewers or any other conduit unless approval has been given, in writing, by the water utility and Building Commissioners Office.

(Ord. 50-06, passed 7-13-06)

§ 50.034 ESTABLISHMENT OF RATES.

(A) The Common Council establishes the rates and charges for the use of and the services rendered by the utility, subject to the approval of the Indiana Utility Regulatory Commission.

(B) These rates generally are based upon consumption expressed in “units” and measured by cubic feet; a “unit” being 100 cubic feet of water which equals 748.5 gallons.

(C) Each customer (user) shall pay a monthly service charge, in addition to usage charges calculated under the metered rate schedule most recently approved by the Indiana Utility Regulatory Commission.

(D) A copy of the schedule of all fees/rates and charges discussed herein is available from the Customer Service Department located on the ground floor of the city building.

(Ord. 50-06, passed 7-13-06)

§ 50.035 BASIS FOR MONTHLY BILLING.

(A) All charges for water usage, other than for unmetered fire service or other special purposes, shall be calculated upon the registration of the meter(s) installed, which registration shall be prima facie evidence of the amount of water used.

(B) The utility shall make an effort to read the remote reading device or meter every month or at such intervals as may be designated by the utility. In the months the utility does not read the remote reading device or meter, or if the utility is unable to gain access to the customer’s premises, the customer shall be billed on an estimated basis.

(C) The utility may require that a remote reading device be installed where access to the meter is denied or for such other reason as determined by the utility.

(D) Where water is taken through more than one meter, and where such arrangements is for the convenience of the customer, then each meter shall be read and billed separately. Where water is taken through more than one meter for the convenience of the utility, then the meter readings shall be aggregated and billed as one reading.

(E) All water passing through meters shall be charged for, whether used, wasted, or lost through leakage.

(F) The utility shall not be bound by bills rendered under a mistake of fact as to the quantity of water service rendered.

(Ord. 50-06, passed 7-13-06)

§ 50.036 ESTIMATED BILLINGS.

(A) It is the practice and policy of the utility, generally, to attempt to read remote reading devices or meters monthly and render billings on a monthly basis. However, billings based on estimated consumption shall be due and payable to the same effect as bills rendered on actual reads. Late charges assessed on estimated reads as well as actual reads shall not be refundable or pro-rated in any manner.

(B) Disconnects and terminations shall be based on failure to pay bills for services, whether based on actual or estimated reads, without distinction.

(Ord. 50-06, passed 7-13-06)

§ 50.037 STATEMENT - CONTENTS AND REQUIREMENTS.

Bills are rendered to customers for water service shall show at least the following information:

(A) The service dates at the beginning and end of the period for which the bill is rendered and the billing date;

(B) The number and kind of units of service supplied;

(C) The customer classification;

(D) The tariff code, if any;

(E) The previous balance, if any;

(F) The amount of the bill;

(G) The date on which the bill is due, the date on which the bill becomes delinquent and the amount due after a late charge has been assigned;

(H) If an estimated bill, a clear coding or other indication identifying the bill as an estimated bill, as opposed to one based on an actual read of the remote reading device or meter; and

(I) An explanation of all codes and/or symbols on the bill.

(Ord. 50-06, passed 7-13-06)

§ 50.038 PAYMENT.

(A) Bills shall be rendered monthly. If a bill is not paid on or before the due date indicated on the bill (approximately 15 days after the bill is mailed to the customer), the customer shall be considered delinquent. Should this remain delinquent for a period of two consecutive months, service shall be terminated by the utility.

(B) Checks returned for non-sufficient funds (NSF) purposes shall be subject to the fee listed on the utility's schedule of rates and charges.

(C) Failure to receive a bill shall not affect the right of the utility to turn off and discontinue service for non-payment as above provided.

(D) An agreement to pay may be executed between the utility and an approved representative of the customer at the sole discretion of the utility in order to avoid delinquency of the account or in other special circumstances.

(E) After receiving notification of a pending termination, but before the order for termination is effected, the customer may personally come into the utility's office and sign an agreement delineating the terms under which payment shall be made.

(F) At the time of the execution of a payment agreement, the customer must agree to pay all future service bills as they become due. Failure to fulfill the terms of the payment agreement shall make the same null and void; and the total unpaid past due amount, together with any associated service charges related thereto, shall become due. Failure to comply with the conditions of the payment agreement may result in discontinuance of service without further notice.

(G) To qualify to enter into a payment agreement, the customer must not have entered into and breached a similar agreement with the utility during the prior 12-month period.

(H) Disputing the accuracy of a bill shall not be a valid reason for non-payment or partial payment of a bill by the customer, and shall not stay the accrual of finance charges on the delinquency. The customer may pay a bill under protest, thus giving written notice that redress is being sought. Such written notices must be filed with the supervisor of the customer service department of the utility prior to the due date of the bill.

(I) All water charges follow the customer rather than the property, if a customer moves from a premises where water service has been supplied, such customer shall be held responsible for the payment of all bills rendered for the service supplied to said premises until proper notice of a change in water service or the customer's identity has been given to the customer service department of the utility.

(J) Moving from one location to another in no way absolves the customer from any unpaid charges incurred at a previous location. A customer's service may be discontinued for failure to pay any unpaid charges due, regardless of the premises with respect to which the charges were incurred.

(Ord. 50-06, passed 7-13-06)

CONDITIONS OF SERVICE

§ 50.050 MAINTENANCE OF SERVICE PIPES AND METER BOXES.

(A) The service connection and its fixtures from the water main to and including the curb stop or customer service connection, in the case of a utility owned meter pit, shall be maintained in good repair at the expense of the utility, including replacement of necessary parts because of damage, corrosion,

tuberculation, or other deterioration. However, if replacement is made necessary due to increased demand by the customer, such replacement shall be at the customer's expense.

(B) All meter boxes (including so called pits or vaults) constructed or installed by the owner, regardless of location, and any such boxes if constructed or installed by the utility at its option, and located on private property shall be maintained in good repair by the owner, at his expense. If an approved frost proof meter box, located within a public right-of-way, is installed by the utility, the utility shall maintain such a box at its expense. However, the utility shall not maintain the piping leading to and from such meter box, except the piping between the water main and the curb stop, as referred to in division (A) of this section. No private meter boxes shall be approved for location within a public right-of-way.

(Ord. 50-06, passed 7-13-06)

§ 50.051 THAWING FROZEN SERVICES.

The utility will thaw out frozen pipes, including meters, between the main and curb box at its own expense.

(Ord. 50-06, passed 7-13-06)

§ 50.052 CROSS-CONNECTIONS AND BACKFLOW.

(A) No cross-connections or condition, which may potentially permit the backflow of contaminants and/or pollutants from a customer's piping system into the public water distribution system, shall be permitted. Piping systems within the customer's premises shall conform in all respects to the latest revision of the Indiana Administrative Code regarding the Indiana Department of Environmental Management regulations and the utility's policies and regulations cross connection/backflow prevention, both of which are incorporated herein, by reference.

(B) (1) Backflow prevention devices installed on the customer's service line shall be located immediately downstream of the utility's meter and/or the meter by-pass line. The device shall be installed horizontally and at a height of between 12 inches and 60 inches above the finished floor evaluation.

(2) Backflow prevention devices are to be tested upon installation and periodically thereafter per 327 IAC, and IDEM 8-10.

(3) Copies of all test reports on backflow devices are to be submitted to the water utility. (Ord. 50-06, passed 7-13-06)

§ 50.053 BOOSTER PUMPS.

(A) No booster pump shall be installed, taking its suction or supply from the utility's water distribution system, without the written approval of the water utility.

(B) In all booster pump installations, the suction of the pump shall be connected to an atmospheric tank with utility water flow entering the tank being controlled by an automatic float valve and freely discharging into the tank two pipe diameters, or a minimum of six inches, above the positive overflow of the tank.

(C) As an alternate, a suitable control valve which shall limit the suction pressure of the pump to a minimum of 20 PSIG may be installed, if approved in writing by the water utility. Such control valves shall be maintained at all times, at the expense of the customer, to ensure proper and continuous operation. (Ord. 50-06, passed 7-13-06)

§ 50.054 ACCESS TO PREMISES.

(A) The properly authorized representatives of the utility shall have the right to enter upon premises of the customer at all reasonable times for the purpose of inspecting and/or testing cross-connection protective devices, atmospheric tank installations, booster pump-vacuum breaker valves, and general

plumbing, as well as for the purpose of reading, inspecting, repairing, testing, removing, relocating or replacing the meter or meters used in connection with the service. Failure to allow access to the customer's premises for the above purposes after receipt of a written request shall be cause for discontinuance of the service.

(B) Upon request by the customer, the utility shall provide a meter reading schedule which delineates tentative days of the month set aside for reading of said customer's district. The schedule of read dates can be obtained in the customer service department or meter reading department of the utility.

(C) (1) Utility personnel shall not be required to go upon premises deemed unsafe due to the existing condition or circumstances at the property.

(2) If utility representative deems the repair work or testing would be unsafe due to existing conditions on the customer's premises, the customer shall be notified in writing and shall have 30 days to complete the necessary repairs to allow for safe working conditions for utility personnel. Failure to complete the necessary repairs shall result in discontinuance of service.

(D) In addition to discontinuance of service for the customer's failure to provide the utility access for regular meter readings, and after a period of six months without a read, the utility may at its option, require the customer to install a remote reading device to insure future reads. The customer shall pay the utility the cost of such installation based on the prevailing rate charged other customers who, at their option and expense, request such an installation. The failure of the customer to provide the utility access for such installation shall be grounds for discontinuance of service. Arrangements with the utility for installation of said device shall be made within ten days after notification of such required installation.

(Ord. 50-06, passed 7-13-06)

§ 50.055 METERING.

(A) Unless otherwise specified in the contract between the utility and the customer, or by the tariff on file, all water supplied shall be measured by a meter or meters of standard manufacture, furnished and installed by the utility according to the requirements of the utility in force and effect at that time. The customer shall provide, free of expense to the utility, a suitable place near the service entrance either in the basement, in an approved meter box, or in another location which is approved by the utility, for installation of the meter.

(B) The utility shall designate the size and type of meter to be used for serving each customer. Each building to be served directly from the main must be supplied by at least a 3/4-inch service. When the service is larger than this, the utility reserves the right to designate the number of meters that can be supplied by such service. Should the customer request that a larger meter be installed than that designated by the utility, the customer shall pay any additional costs incurred.

(C) (1) A by-pass around all new meter installations shall be required under any of the following circumstances, where:

(a) The service line on the outlet side of the meter is one and 1½ inches or larger.

(b) The service line, regardless of size, serves refrigeration equipment or the water supplied is used for the purpose of cooling equipment; or

(c) The water service must not, for any other reason, be interrupted while the meter is being repaired or replaced.

(2) The by-pass shall be furnished and installed by the customer according to the utility's specifications. Where existing piping not containing a by-pass is altered to meet any of the above conditions, the alternation shall also include the installation of a by-pass.

(D) All meters or other appliances and equipment which are furnished by and at the expense of the utility and which may at any time be on the customer's premises are and shall remain the property of the utility unless otherwise expressly provided herein; the customer shall protect such property from freezing and from loss or damage and no one who is not a representative of the utility shall be permitted to remove such property or tamper therewith. The customer shall be liable and responsible for all damages to such property.

(E) Meters may require repair from time to time, in which case the following procedures may be employed:

(1) Ordinary repairs to meters shall be made by the utility without expense to the customer. The customer or representative of such shall sign a work order indicating that service has been provided and that current reads have been verified. Failure or refusal to sign the work order shall not negate any charges incurred.

(2) Meter repairs and/or replacement necessitated through customer neglect or negligence shall be charged to the responsible customer/property owner. Where a frozen meter must be replaced and such is not discovered until after the utility account has been finalized, the new party desiring service may be held responsible for the cost of the repair or replacement.

(F) (1) A meter shall be tested for accuracy by the utility if the customer requests it. The utility shall advise the customer to first investigate the premises for other reasons for excessive water usage before requesting removal of the meter for a shop test. If leaks are found or if the meter test established the accuracy of the meter to be between 98% and 102%, the utility may charge the customer for making the investigation and/or the test. Upon request, the customer may have a representative present when the investigation is made and/or the meter is tested.

(2) Such testing shall not be made more frequently than once in 12 months, unless the customer has abnormally high billings or other unusual unexplainable circumstances. A report of the results of the meter shop test shall be kept by the utility.

(G) The utility shall place seals on all water meters, in and for any premises, and replace such seals found broken or removed. Meter coupling locks may be installed at the option of the utility where tampering is suspected. The water supply may be turned off if such seals are found to be broken or removed. If such seals are found broken or removed, or the meter itself is found to have been tampered with or removed, the utility shall charge the customer three times the average consumption for customers of that class, for the period for which it is determined what usage was not metered, or six months, whichever is less. Further, in such circumstances the customer may be prosecuted for theft of utility property and services.

(H) Where water is taken through one meter servicing a multi-unit dwelling, the utility requires the owner/designated agent of the real property to maintain the billing in said name.

(I) The utility will attempt to obtain at least one inside read annually. Failure of the customer to cooperate in obtaining this read shall absolve the utility of this obligation and financial responsibility for any meter problem which could have been discovered. (Ord. 50-06, passed 7-13-06)

§ 50.056 LIABILITY AND INTERRUPTION OF SERVICE.

(A) Utility will, at all times endeavor to provide regular and uninterrupted service, but does not guarantee against interruptions in service occasioned by acts of God, uncontrolled forces, orders of public authorities, fires, strike, casualty, and necessity for making repairs or replacements of utility's facilities. In case the supply of service is interrupted or sustains other variations, utility shall not be liable to customer

for damages or losses resulting from such interruption or variation in service, unless due to the gross negligence of utility.

(B) Such interruptions or variations shall not constitute a breach of any obligations of utility under any agreement for service with customer.

(C) The utility shall not be responsible for water in customer's basement unless such water is the direct result of a leak or break in distribution mains. (Ord. 50-06, passed 7-13-06)

§ 50.057 SPECIAL PURPOSE WATER.

(A) Upon written request by a customer of the utility to provide special purpose water, the following procedure shall be used.

(1) All special purpose water shall require a meter to be installed to measure the amount of water used. A special purpose contract must be executed prior to service.

(2) A set-up charge for installing, removing, testing, repairing the meter and invoicing of the water usage shall be made for those accounts established for less than a three-month period and/or those set on fire hydrants.

(3) All water used shall be invoiced using the present schedule of rates and charges.

(4) The customer shall assume the liability for damage to or theft of all utility property. Customer shall notify the utility that service is no longer required and request removal of the meter by the utility.

(5) In no instance shall the utility allow the customer to cross streets with hoses or piping. Hosing of water from one premise to another shall require prior written approval of the utility and a release of liability from both parties.

(6) Requests for residential construction water may require the installation of a water meter or other arrangements made through the utility which action shall initiate service and shall be billed accordingly.

(7) All meters installed shall be billed to the initiating customer until the utility receives notice to discontinue the same.

(B) The utility may also provide water in bulk and may institute a billing procedure providing, at the utility's option, for pre-payment.
(Ord. 50-06, passed 7-13-06)

§ 50.058 PRIVATE FIRE PROTECTION.

(A) The entire private fire protection service on a customer's premises shall be subject to inspection and tests by the utility at such times as it is deemed necessary.

(B) Before any modifications are made to any private fire protection system or before service is furnished to any new private fire protection system connected to or proposed to be connected to and supplied with water from the utility's distribution mains, the owner of the private fire protection system, or his contractor, shall provide certification to the utility that the system has been disinfected, and final plans of such fire protection system shall be filed with and approved by the water utility. The following shall be shown on the final plans:

- (1) The number of sprinkler heads to be served;
- (2) The sizes and location of the system's piping;
- (3) The sizes and location of all connections to the utility's distribution mains;
- (4) The sizes, location and types of all valves;

(5) The sizes and location of all hose connections, reels and/or cabinets;

(6) The sizes and locations of storage tank connected to the fire system; and/or

(7) The outlet sizes and locations of all fire hydrants.

(C) All fire protection lines within buildings must be installed in such a manner that all pipes shall be easily accessible for inspection at any time. Underground pipes outside of buildings must be placed and maintained at a minimum depth of four feet.

(D) No connection with a fire protection system shall be permitted to supply water for general purposes unless the connection has been approved by the customer's fire underwriter and unless the general purpose water is metered. If such a connection is approved, both the fire protection line and the general purpose line shall be separately valved outside the building to be served in accordance with the utility's specifications, thus permitting either line to be turned on or off without affecting the other.

(E) A private fire protection system without a tank shall be equipped with an alarm valve and a double check valve on the incoming line and a single check valve on the fire department connection. A system with a tank shall have one alarm valve and a double check valve assembly backflow preventative device, the double check valve assembly to be located on the main service pipe(s) supplying fire protection to the property. All check valves shall be of the "no-slam" type, in order to reduce the potential of water hammer, resulting in damage to the utility's water distribution system. A system containing antifreeze shall have a reduced pressure principle backflow preventor.

(F) An unmetered private fire service is furnished for the sole purpose of supply water for the extinguishment of accidental fires and use of water from such a service connection for any other purpose is absolutely forbidden. Any violation of this provision

shall be considered theft of utility's property and services and shall subject the offender to the penalty provided in this code and to a bill for the estimated quantity of water so used.

(G) Hydrants and other fixtures connected to a private fire service connection may be sealed by the utility and such seal shall be broken only in case of fire or as specifically permitted by the utility. The customer must immediately notify the utility when any such seal shall be broken only in case of fire or as specifically permitted by the utility; the customer must immediately notify the utility when any such seal is broken.

(H) Where a service tap on a utility distribution main provides water for both fire and general purposes to a customer or customers, separate charges shall be made for each purpose to each customer by the utility in accordance with established rules and schedule of rates and charges.

(I) Whenever a private fire system is to be tested under the regulations of the fire service underwriters, the customer shall notify the water utility of such proposed test, naming the day and the hour when same is to be made so that, if it desires, the utility may have a representative present for the test. (Ord. 50-06, passed 7-13-06)

§ 50.059 TAMPERING AND THEFT OF WATER SERVICE.

Tampering, theft, and unauthorized use of utility service are prohibited. When found and/or reported, each case shall be investigated by the utility for verification. Upon determination that tampering, theft, or unauthorized use has occurred, the following procedures and corrective measures shall apply:

(A) *Unauthorized use.* customer or their representative restores water service after the meter has been disconnected for reasons described in § 50.024 of the general terms and conditions for water service. A service charge listed on the utility's

schedule of rates and charges shall be billed to cover the labor, and transportation costs to correct such unauthorized use. There may be additional charges for material.

(B) *Theft.* Customer or their representative has installed and/or used equipment and/ or devices in order to circumvent the flow of water away from the meter and/or metering devices. Customer shall be liable for any and all labor, material, and transportation cost associated with the investigation, correction, disconnection, and/or restoration of water service to customer according to utility standard work order procedures. These work order costs shall be paid along with any outstanding balances owed the utility and the estimated water charges for the time period the theft has occurred. The customer may also be responsible for the cost associated with collection of these monies, including but not limited to, collection agency fees, court costs, and attorney fees.

(1) *First occurrence.* Utility may restore service to customer upon receipt of payment in full commensurate with above.

(2) *Second occurrence.* Utility may deny service to customer.

(C) *Tampering.*

(1) When it has been determined that the proper operation, registration, programming, or alignment of the meter has been tampered with, the customer shall be responsible to pay the utility all costs to adjust, repair, re-program, or replace the meter, as well as the water charges from the date of the tampering or 12 months, whichever is less.

(2) Division (A) shall be applied to the customer's account and shall be due and payable at customer's next scheduled payment date. Divisions (B) and (C) shall be separately billed along with a statement explaining the nature of the charge. These bills are due upon receipt.

(Ord. 50-06, passed 7-13-06)

WATER WELLS

§ 50.070 FUTURE DRILLING OF POTABLE WATER WELLS PROHIBITED.

(A) The following definition shall apply unless the context clearly indicates or requires a different meaning.

WATER WELL. Any system used to pump, access, or otherwise bring to the surface underground sources of water existing under, upon or within the confines of any premises located within the corporate limits of the city, for the purpose of human consumption or other use, and which device is installed after the effective date of this section.

(B) Henceforth, the installation of any private water well intended for potable human consumption, upon any premises, which is located within 300 feet from any existing and available water line of the utility, and located within the city is hereby prohibited. Installation shall not include the redrilling of any well existing at the time of the passage of this section, subject to the provisions of division (C).

(C) No person, including any corporation, partnership or association shall drill or otherwise install any water well within the city in violation of this section. Violations of this section shall be punishable by a fine not to exceed \$500. Each day that such person continues to operate any such water well which has been installed in violation of the terms of this section is deemed to be a continuing and separate violation.

(D) Any well not intended for human potable purpose, the redrilling of any existing well, or any potable private water well not otherwise provided for within division (B) of this section, may be installed within the city, subject to the following requirement: such well must be installed and screened in the deep aquifer beneath the regional till. Drilling techniques to prevent drawing potentially impacted ground water from the shallow aquifer to a deeper depth must be used when installing any such well. Geological

observation must be made and supported with documentation to confirm that the well is installed and screened below the confining till.

(E) Nothing in this section shall be construed as requiring the city or the utility to install or provide any water improvements or service to any person or premises which are not otherwise currently in existence at the time of passage of this section.

(Ord. 55-2000, passed 11-20-00; Am. Ord. 50-06, passed 7-13-06)

WATER CONSERVATION PROGRAM

§ 50.085 APPLICATION.

This subchapter shall apply to all persons, firms, corporations, or associations having an interest, whether legal or equitable, either as tenant or owner, in any property which is, or is to be, supplied with water service by the utility (hereafter customers).

(Ord. 50-06, passed 7-13-06)

§ 50.086 DECLARATION OF NEED.

Upon determining that the public water system is in imminent danger of shortage of water or is experiencing a shortage of water, the Superintendent for the utility shall advise the Board of Public Works of such determination. Upon approval of the Superintendent's determination, the Board of Public Works shall recommend to the Mayor to declare a water conservation emergency in the Mayor's absence. In the event that the Board is not available to convene to act upon the Superintendent's determination, the Superintendent shall advise the Mayor of his determination and recommend the Mayor to declare a water conservation emergency. In the event that neither the Board of Public Works nor the Mayor are available to act upon his determination, the Superintendent may declare a water conservation emergency, in the exercise of reasonable judgment under the circumstances. Upon the declaration of a

water conservation emergency, the Superintendent shall establish appropriate conservation measures and specify the duration thereof.
(Ord. 50-06, passed 7-13-06)

§ 50.087 VOLUNTARY CONSERVATION.

In accordance with § 50.59, customers shall be requested to reduce water consumption by practicing voluntary conservation techniques. The Superintendent of the utility shall suggest reasonable and meaningful actions which shall alleviate an existing or potential water shortage.
(Ord. 50-06, passed 7-13-06)

§ 50.088 MANDATORY CONSERVATION.

In accordance with the § 50.089, customers shall be prohibited from the water uses listed below, subject to reasonable terms, times, and conditions, as the Superintendent of the utility shall determine:

(A) Sprinkling, watering, or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation;

(B) Washing of automobiles, trucks, trailers, mobile homes, railroad cars, or any other type of mobile equipment;

(C) Cleaning or spraying of sidewalks, driveways, paved areas, or other outdoor surfaces;

(D) Washing and cleaning of any business equipment or machinery;

(E) Filling of private swimming pools, wading pools, and ornamental fountains; or

(F) Knowingly permitting and allowing leakage of water through defective plumbing. See § 50.999 for the penalty.
(Ord. 50-06, passed 7-13-06)

§ 50.089 NOTICE.

Notice of voluntary and mandatory conservation measures shall be made through every available public communication, including but not limited to newspapers and radio and television broadcasts. Notice shall be effective upon such publication.
(Ord. 50-06, passed 7-13-06)

§ 50.090 EXCEPTIONS.

The Superintendent for the utility is reserved with the right to establish alternative rationing requirements for the following:

(A) Health care providers;

(B) Reasonable use of water to maintain adequate health and sanitary standards; and

(C) Those industrial and agricultural activities declared to be necessary for the public health and well being.
(Ord. 50-06, passed 7-13-06)

§ 50.999 PENALTY.

(A) Any customer who violates any provision of § 50.098 may be fined not more than \$500. A customer will be issued a written warning for the first offense, with notice that the customer must take corrective action with the time period prescribed by the Superintendent, depending on the nature of the violation. If the customer fails to correct the violation within the prescribed time period, or if the customer suffers a second violation within one calendar year from his last violation, the person shall be fined not less than \$100. Customers with third and subsequent violations within the one-calendar year period shall be fined not less than \$250 nor more than \$500.

(B) A separate offense shall be deemed committed on each day that a violation occurs or continues. In addition to, or in the alternative to a fine, water service may be terminated for any customer who violates § 50.088.

(C) Any customer whose water service has been terminated pursuant to §§ 50.085 through 50.090 shall be subject to a reconnect fee of \$50.
(Ord. 50-06, passed 7-13-06)

CHAPTER 51: SEWERS

Section

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Sewer Revenue

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SEWER REGULATIONS

§ 51.01 PURPOSE; POLICY.

(A) This chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Anderson and enables the city to comply with all applicable state and federal laws, including the Clean Water and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(6) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the Publicly Owned Treatment Works is subject.

(B) This chapter shall apply to all users of the Publicly Owned Treatment Works. This chapter authorizes the issuance of wastewater discharge

permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. 14-10, passed 4-8-10)

§ 51.02 [RESERVED].

§ 51.03 LICENSED PERSONS TO DO WORK.

No building sewer shall be laid, altered, or repaired except by or under the supervision of a person licensed by the city to do such work.

(‘64 Code, § 111.3) (Ord. 1681, passed 6-9-43) Penalty, see § 51.99(A)

§ 51.04 PERMIT REQUIRED FOR SEWER CONNECTIONS OR TAPS.

A permit shall be secured from the City Engineer and Plumbing Inspector by the owner of the property or by his authorized agent before connecting to or tapping a municipal sewer or altering or laying a building sewer to or from any sewer which is a part of the municipal sewerage system. Application for a permit shall be made on a blank form furnished for that purpose. Each application shall give the precise location of the property, the name of the owner, and the name of the person employed to do the work. No permit shall be deemed to authorize anything that is not stated in the application. When the permit has been granted, the city shall through its duly constituted authority designate the position or location of the lateral in the street.

(‘64 Code, § 111.4) (Ord. 1681, passed 6-9-43; Am. Ord. 35.02, passed 8-8-02; Am. Ord. 53-08, passed 12-11-08) Penalty, see § 51.99(A)

§ 51.05 SEWER PIPES.

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

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

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

§ 51.06 CONNECTION AT MAINLINE SEWER.

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

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

§ 51.07 GRADE OF PIPE.

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

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

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

§ 51.08 BARRICADES; BACKFILLING.

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

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

§ 51.09 MAINTENANCE AND REPAIR RESPONSIBILITY.

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

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

include any work related to the owner's building sewer (lateral).

(Am. Ord. 53-08, passed 12-11-08)

§ 51.10 ORGANIC WASTE; SEPTIC TANKS.

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

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

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

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

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

§ 51.11 STREAM POLLUTION.

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

(B) All new or replacement water mains, valves, and other appurtenances, and all new or replacement sewers, manholes, and other appurtenances constructed or reconstructed in a flood hazard area as defined in Chapter 160 shall be designed and constructed as to minimize or eliminate infiltration of flood waters into these systems and discharges from these systems into flood waters except as permitted by permit from the state or the federal government. ('64 Code, § 111.11) (Ord. 1681, passed 6-9-43; Am. Ord. 58-79, passed 11-20-79; Am. Ord. 8-80, passed 3-13-80) Penalty, see § 51.99(A)

§ 51.12 RIGHT OF ACCESS.

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

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

§ 51.13 REGULATION OF COMBINATION SEWERS.

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

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

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

connections to facilitate disconnection of the former if a separate storm sewer subsequently becomes available.

(Ord. 8090, passed 2-8-90)

§ 51.14 RIGHT OF REVISION.

The agency reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on the discharge to the POTW if deemed necessary to comply with the provisions in §§ 51.51 and 51.53.

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

§ 51.15 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

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

(Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02)

§ 51.16 STATE OF INDIANA REQUIREMENTS.

The state pretreatment standards located at 327 IAC 5-16 through 327 IAC 5-21 inclusive, are hereby incorporated as if herein set out in whole.

(Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02)

SEWER REVENUE

§ 51.20 SEWAGE RATES.

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

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

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

(c) **INTER-MUNICIPAL USER.** Shall include customers that are cities or towns other than the city, and any user which is provided service on a wholesale basis. Inter-Municipal Users shall be billed based upon sewer meter readings rather than water consumption. Until January 1, 2011, the metered flow rates for Inter-Municipal Users are set forth in division (A)(3) below and not division (A)(2) below. On and after January 1, 2011, the metered flow rates for Inter-Municipal Users shall be the rates applicable to Industrial Users as set forth in division (A)(2) of this section.

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

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

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

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

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

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

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

(a) Metered flow (from April 13, 2009 through December 31, 2009):

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

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

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

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

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

(1) A system including the distribution of the cost of operation, maintenance, and replacement of the treatment works of the utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation, maintenance, and replacement costs to each user class.

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

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

(D) For the services rendered to the city, the city shall be subject to the same rates and charges as hereinbefore provided or to charges and rates established in harmony therewith.

(‘64 Code, § 111.20) (Ord. 2450, passed 6-23-60; Am. Ord. 75-65, passed 11-11-65; Am. Ord. 61-81, passed 10-8-81; Am. Ord. 81-82, passed 11-10-82; Am. Ord. 81-88, passed 12-2-88; Am. Ord. 24-89, passed 5-11-89; Am. Ord. 7-92, passed 2-12-92; Am. Ord. 50-97, passed 8-19-97; Am. Ord. 40-02, passed 10-10-02; Am. Ord. 11-09, passed 4-9-09; Am. Ord. 13-09, passed 4-9-09; Am. Ord. 29-10, passed 9-9-10)

§ 51.21 DETERMINING SEWER RATES.

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

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

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

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

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

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

purposes the owner shall have the privilege of separating the water services so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

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

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

S. Strength charge in dollars.

V. Sewage volume in 100 cubic feet.

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

8.34. Factor to convert gallons of water to pounds.

\$0.27. Unit charge for BOD in dollars per pound.

BOD. Strength index of parts per million by weight.

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

\$0.24. Unit charge for suspended solids in dollars per pound.

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

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

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

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

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

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

§ 51.22 SEWAGE RATES BASED ON CONTENT OF DISCHARGE.

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

drains and the discharge of wastes into the public sewer collection system for the City, and subject to payment of the excess strength waste rate charges provided for above, any and all commercial and industrial installations shall be so controlled or treated as to the sewage strength that their effluent discharge to the city's sewers shall have a BOD (biological oxygen demand) not to exceed 500 parts per million and suspended solids not to exceed 500 parts per million at any time, which provisions are in general agreement with the recommendations contained in the Indiana Department of Environmental Management "Facilities Planning Handbook." The Board of Public Works is authorized to prohibit the dumping of wastes into the city's sewage system which, in its discretion, are deemed harmful to the operation of the sewage disposal works of the city. ('64 Code, § 111.22) (Ord. 2450, passed 6-23-60; Am. Ord. 73-76, passed 2-10-77; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 82-07, passed 12-13-07)

§ 51.23 BILLING AND COLLECTION OF SEWAGE RATES.

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

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

premises as the same is measured by the water meter there in use, and the metered water usage shall be determined from the meter readings as furnished by the City Municipal Water Utility. ('64 Code, § 111.23) (Ord. 2450, passed 6-23-60; Am. Ord. 73-76, passed 2-10-77; Am. Ord. 81-88, passed 12-2-88)

§ 51.24 MANAGEMENT OF CITY'S SEWAGE WORKS.

The Board of Public Works shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical, and efficient management of the city's sewage works including the sewer system and the treatment plant for the construction and use of house sewers and connections to the sewer system, and for the regulation, collecting, rebating, and refunding of rates and charges. ('64 Code, § 111.24) (Ord. 2450, passed 6-23-60)

§ 51.25 SEWAGE WORKS REVENUE BONDS.

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

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

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

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

(D) The disposition, use, and flow of revenues derived from the sewage rates and charges as hereinbefore set forth shall, on the passage and adoption of an ordinance authorizing the issuance of additional sewage works revenue bonds, conform to the provisions and covenants as set forth in the ordinance authorizing the additional sewage works revenue bonds. Any funds on hand subsequent to the redemption of the now outstanding sewage works revenue bonds and at the time of the adoption and passage of an ordinance authorizing additional sewage works revenue bonds shall be applied to the various funds and the flow of the funds as set forth in the provisions and covenants of the ordinance authorizing the additional sewage works revenue bonds.

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

§ 51.26 CHARGES FOR SEWER CONNECTION.

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

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

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

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

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

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

SANITARY DISTRICT

§ 51.35 DISTRICT ESTABLISHED.

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

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

Statutory reference:

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

§ 51.36 PURPOSE.

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

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

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

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

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

§ 51.37 JURISDICTIONAL AREA.

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

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

Statutory reference:

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

PUBLIC AND PRIVATE SEWERS; DISCHARGE OF WASTES

§ 51.50 DEFINITIONS.

Except as otherwise herein provided, the definitions contained in Ordinance 1-77, entitled “An Ordinance Regulating the Use of Public and Private Sewers and Drains and the Discharge of Wastes Into the Public Sewer Collection System, and Providing Penalties for Violations Thereof,” shall be incorporated by reference as though fully set forth

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

ACT. The “Federal Water Pollution Control Act” (Pub. L. 95-500) as amended by the “Clean Water Act” (Pub. L. 95-217) of 1977 (33 U.S.C. 1251, *et seq.*) and all acts supplemental or amendatory thereto. However, if any word, section, part of section, clause, or any portion thereof of this subchapter shall be adjudged to be invalid, unconstitutional, or in conflict with either the Federal Water Pollution Control Act as amended by the Clean Water Act or any act supplemental or amendatory thereto shall be declared invalid or unconstitutional, it shall not affect the validity or constitutionality of this subchapter as a whole or any other word, section, part of section, clause, or portion thereof.

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

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

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

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.

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

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

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

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

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

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

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

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

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

BMPs (BEST MANAGEMENT PRACTICES). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 51.51 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

BOD₅ (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in terms of mass and concentration ((milligrams per Liter) (mg/L)).

BTEX (BENZENE, TOLUENE, ETHYL-BENZENE, AND XYLENE). A group of chemicals which are quantifiable by one analytical method, comprised of benzene, toluene, ethylbenzene, and the three isomers of xylene.

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

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

BUILDING SEWER (LATERAL). That part of the horizontal piping of a building drainage system

extending from the outside of the building or end of the inside plumbing system to, and including, the connection with the municipal sewage system.

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

CFR. Code of Federal Regulations.

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

COD or CHEMICAL OXYGEN DEMAND. The oxygen consuming capacity of inorganic and organic matter present measured by a standard chemical oxidation procedure, as defined according to methods approved in 40 CFR 136.

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

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

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

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

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

CONVENTIONAL POLLUTANTS. BOD₅, total suspended solids, pH, fecal coliform, and oil and grease.

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

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

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

FOG (FATS, OILS, AND GREASE). Includes material of vegetable and animal origin, also known as Polar FOG, or mineral origin known as Non-Polar FOG.

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

GPD. Gallons Per Day.

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

GROUND (SHREDDED) GARBAGE. Garbage that is shredded to such a degree that all particles will

be carried freely in suspension under the conditions normally prevailing in the sewage system, with no particle being greater than 1/2-inch in dimension.

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

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

INDUSTRIAL USER or IU. A source of indirect discharge.

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

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

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

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

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

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

(2) Therefore is a cause of a violation of the City Water Pollution Control Utility's NPDES permit or of the prevention of sewage sludge use or

disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); and state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act, the Toxic Substances Control Act).

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

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

mg. Milligrams.

mg/L. Milligrams per liter.

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

NEW SOURCE.

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, facts such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (m)(l)(ii) or (m)(l)(iii) of this section, but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

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

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

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

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

O & M. Operations and Maintenance.

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC SEWER (MAIN LINE SEWER). A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority. The **MAIN LINE SEWER** does not include any building sewer or lateral connection.

PUBLICLY OWNED TREATMENT WORKS or **POTW**. A “treatment works” as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by the state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

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

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

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

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

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

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

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

SEWAGE SYSTEM. Consisting of sanitary sewers and combined sewers.

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

SIGNIFICANT INDUSTRIAL USER. Shall apply to:

(1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and

(2) Any other industrial user that:

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

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

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

(3) The City Water Pollution Control Utility may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standard and requirements;

(b) The industrial user annually submits the certification statement required in § 51.62(N) together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

(4) Upon a finding that a user meeting the criteria in subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

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

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

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

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

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

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

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

STORM WATER SEWER. A sewer intended to receive storm and surface water, street wash, or drainage, but exclude domestic sewage or industrial wastes.

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

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

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

TSS. Total Suspended Solids.

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

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

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

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

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

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

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

WWTP. Wastewater Treatment Plant. ('64 Code, § 111.1) (Ord. 1681, passed 6-9-43; Am. Ord. 2450, passed 9-23-60; Am. Ord. 73-76, passed 2-10-77; Am. Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 31-86, passed 5-8-86; Am. Ord. 81-88, passed 12-2-88; Am. Ord. 8-90, passed 2-8-90; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 13-93, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02; Am. Ord. 53-08, passed 12-11-08; Am. Ord. 14-10, passed 4-8-10; Am. Ord. 22-11, passed 7-14-11)

§ 51.51 PROHIBITED DISCHARGES.

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

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

(2) Any wastewater having a pH less than 5.0 or more than 12.0, or otherwise causing a corrosive structural damage to the POTW or equipment or endangering city personnel. Any pH above 12.5 is considered hazardous under 40 CFR 261.21.

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

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

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

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

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

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

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

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

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

(12) Any wastewater with objectionable color not removed in the treatment process such as,

but not limited to, dye wastes and vegetable tanning solutions.

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

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

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

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

(D) Except to the extent that it may be preempted by the acts of state or federal agencies pursuant to state or federal laws, rules, or regulations, the agency may prohibit any discharge to the community sewer collection system if it is not demonstrated that there is sufficient capacity in all downstream sewers, lift stations, force mains, and treatment plants, including capacity for BOD₅ and TSS, to accommodate any person applying for a discharge permit pursuant to § 51.57. The person shall provide the information deemed appropriate, as required by § 51.58, and upon evaluation of such data, a permit may be issued as provided. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the agency shall impose an alternate limit in accordance with 40 CFR 403.6(e)

(E) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Agency may impose equivalent concentration or mass limits in accordance with §§ 51.54(G) and 51.54(H).

(F) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Agency may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

(G) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Agency convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Agency. The Agency may establish equivalent mass limits only if the industrial user meets all the conditions set forth in § 51.51(G)(l)(a) through 51.51(G)(l)(e) below.

(1) To be eligible for equivalent mass limits, the industrial user must:

(a) Employ, or demonstrate that it will employ water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

(b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

(c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(e) Have consistently complied with all applicable categorical pretreatment standards during

the period prior to the industrial user's request for equivalent mass limits.

(2) An industrial user subject to equivalent mass limits must:

(a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(c) Continue to record the facility's production rates and notify the Agency whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in division (G)(l)(c) of this section. Upon notification of a revised production rate, the Agency will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(3) When developing equivalent mass limits, the Agency:

(a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a

substitute for treatment pursuant to § 51.54(D). The industrial user must also be in compliance with § 51.562 regarding the prohibition of bypass.

(H) The Agency may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the Agency. When converting such limits to concentration limits, the Agency will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by § 51.54(D). In addition, the Agency will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available.

(I) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(J) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(K) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Agency within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Agency of such anticipated change will be required to meet the mass or concentration limits in its permit that

were based on the original estimate of the long term average production rate.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02; Am. Ord. 14-10, passed 4-8-10) Penalty, see § 51.99

Statutory reference:

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

§ 51.52 SEPTIC TANK TRUCK DISCHARGES.

Septic tank haulers hauling only domestic septic tank wastes shall be permitted to use the wastewater treatment facilities. Any septic tank hauler desiring to use the wastewater treatment facilities will be required to:

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

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

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

(2) The vehicle license plate number.

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

(C) Each vehicle obtaining a permit must:

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

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

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

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

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

- (1) Vehicle permit number;
- (2) Vehicle driver;
- (3) Date and time;
- (4) Source of waste material;
- (5) Size of tank on vehicle; and

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

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

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

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

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

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

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

(2) In no event shall the rate for septic tank waste that is discharged at the city wastewater treatment facility exceed the city's actual cost of treating such waste.
(Ord. 1-77, passed 2-10-77; Am. Ord. 45-87, passed 12-10-87; Am. Ord. 98-90, passed 12-13-90) Penalty, see § 51.99

§ 51.53 SPECIFIC POLLUTANT LIMITATIONS.

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

<i>Pollutant</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>
BTEX		0.13
Cadmium	0.02	0.05
Chromium		2.36
Copper	0.58	1.50
Cyanide	0.03	0.09
Nickel	0.92	2.28
Non-Polar FOG		100
Lead	0.10	0.24
Polar FOG		238
Zinc		3.00

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

(C) Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. Mass limitations may be imposed in addition to or in place of the concentration-based limitations above.

(D) The City of Anderson Water Pollution Control may develop best management practices (BMPs) by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of § 51.51.

(Ord. 55-85, passed 8-27-85; Am. Ord. 31-86, passed 5-8-86; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 14-10, passed 4-8-10; Am. Ord. 22-11, passed 7-14-11; Am. Ord. 8-17, passed 4-13-17)

§ 51.54 HAZARDOUS WASTES.

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

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

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

(C) The Agency reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. The

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

(D) No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for

adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Agency may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

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

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

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

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

§ 51.55 ACCIDENTAL DISCHARGE.

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

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

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

(2) Description of stored chemicals.

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

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

(C) Significant industrial users are required to notify the Agency immediately of any changes at its facility affecting the potential for an accidental discharge/slug discharge.

(Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 14-10, passed 4-8-10) Penalty, see § 51.99

§ 51.56 UPSET PROVISION.

(A) For the purposes of this section, *UPSET* means an exceptional incident in which there is unintentional and contemporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent

caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

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

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

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

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

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

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

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

§ 51.562 BYPASS PROVISION.

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

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

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

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

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

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

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

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

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

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

§ 51.57 PRETREATMENT.

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

(B) The Agency may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

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

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

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

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

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02; Am. Ord. 14-10, passed 4-8-10) Penalty, see § 51.99

§ 51.58 WASTEWATER DISCHARGE PERMIT.

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

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

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

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

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

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

§ 51.59 PERMIT APPLICATIONS.

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

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

(2) Volume of wastewater to be discharged.

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

(4) Time and duration of discharge.

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

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

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

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

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

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

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

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

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

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

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

§ 51.60 PERMIT CONDITIONS.

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

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

(B) Permits may contain the following.

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

(2) A statement of duration pursuant to § 51.61.

(3) Reporting and notification requirements pursuant to § 51.62.

(4) Record keeping requirements pursuant to § 51.62.

(5) Effluent limits on the average and maximum wastewater constituents and characteristics, including best management practices, based on applicable pretreatment standards.

(6) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(7) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

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

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

(10) Requirements to control slug discharge, if determined by the Agency to be necessary.

(11) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 51.62(F)(2).

(12) Any grant of the monitoring waiver by the City of Anderson Water Pollution Control must be included as a condition in the user's permit.

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

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

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

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

1. The new date for compliance, if necessary.

2. An acknowledgment of compliance or noncompliance with the objectives forecast for the milestone date.

3. The reason for the delay.

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

5. Specifications for monitoring programs which may include sampling locations,

frequency and method of sampling, number, types and standards for tests, and reporting schedule.

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

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

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

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

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 14-10, passed 4-8-10)

§ 51.61 DURATION OF PERMITS.

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

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

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

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

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

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

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

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

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

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

§ 51.62 REPORTING REQUIREMENTS.

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

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

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

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

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

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

(c) A description of the operation including:

1. Type of business;
2. Average rate of production;
3. Standard industrial classifications of all operations;
4. Flow rates in gallons per day for process wastestreams, dilution wastestreams and

non-regulated wastestreams containing regulated pollutants;

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

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

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

(d) Measurement of pollutant:

1. The user shall identify the pretreatment standards applicable to each regulated process;

2. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Control Authority or the applicable standards to determine compliance with the standard;

3. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this division (C)(1)(d).

4. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the

combined wastestream formula of § 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority.

5. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

6. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

7. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

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

- (1) Date for hiring an engineer;
- (2) Completing preliminary plans;
- (3) Completing final plans;
- (4) Executing contracts;

- (5) Commencing construction;
- (6) Completing construction; and
- (7) Final compliance.

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

(E) *Report on compliance with pretreatment standard deadline*. Within 90 days following the date for final compliance with categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to those standards must submit to the agency and the approval authority a report containing the information described in § 51.62(C). For all industrial users subject to categorical pretreatment standards expressed in equivalent mass or concentration limits established in accordance with 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. All other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation) shall include with this report the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 51.62(C).

(F) *Periodic compliance reports*.

(1) All significant industrial users must, at a frequency determined by the City of Anderson Water Pollution Control submit no less than twice per year, in June and December or as specified by permit, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the City of Anderson Water Pollution Control, or the pretreatment standard necessary to determine the compliance status of the user.

(2) The City of Anderson Water Pollution Control may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(b) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(G) *Records retention.* Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 51.53(D). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the Superintendent.

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

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

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

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

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

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

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

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

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

1. The name of the hazardous waste as set forth in 40 CFR 261;
2. The EPA hazardous waste number;
3. The type of discharge (continuous, batch, or other);

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

1. An identification of the hazardous constituents contained in the wastes;
2. An estimation of the mass and concentration of such constituents in the wastestream discharged during the following 12 months;

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

(2) Dischargers are exempt from the requirements of divisions (L) during a calendar month

in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

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

(4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(L) *All wastewater discharge permit applications.* User reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 51.62(A). If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to [the Superintendent] prior to or together with any reports to be signed by an authorized representative. A facility determined to be a non-significant categorical industrial user pursuant to § 51.50 must annually submit the signed certification statement in § 51.62(N).

(M) *Certification of permit applications.* User reports and initial monitoring waiver - the following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 51.62(L); users submitting baseline monitoring reports under § 51.62(C); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 51.62(E); users submitting periodic compliance reports or an initial request to forego sampling of a pollutant required by § 51.62(F); the following certification statement must be signed by an authorized representative:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(N) Annual certification for non-significant categorical industrial users - a facility determined to be a non-significant categorical industrial user by [the Superintendent] pursuant to § 51.62(L), must annually submit the following certification statement signed by an authorized representative. This certification must accompany an alternative report required by the Agency:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user.

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information. _____

(O) *Certification of pollutants not present.* Users that have an approved monitoring waiver based on § 51.62 (F)(2) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR _____ [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under § 51.62(F).

(Ord. 55-85, passed 8-27-85; Am. Ord. 8-90, passed 2-28-90; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 35-02, passed 8-8-02; Am. Ord. 14-10, passed 4-8-10; Am. Ord. 8-17, passed 4-13-17)

§ 51.63 ABATEMENT.

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

(B) It is the responsibility of the industrial user to report any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW, including violation of the prohibited discharge standards in § 51.51. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user. Whenever a discharge of wastewater is in violation of the provisions of this subchapter or the provisions of a wastewater discharge permit, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the agency may issue an order to cease and desist, and direct that those persons not complying with the prohibitions, limits, requirements, or provisions to:

- (1) Comply forthwith;
- (2) Comply in accordance with a time schedule set forth by the agency; or
- (3) Take appropriate remedial or preventive action in the event of a threatened violation.

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

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

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

(F) Within five days following the discharge, users shall, unless waived by the Agency, submit a detailed written report describing the cases of the discharge and measures taken by the industrial user to prevent similar future occurrences. Such notifications do not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, or other liability which may be imposed by this code.

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

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

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

§ 51.64 MONITORING FACILITIES.

(A) The agency may require the user to construct at his own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The cost of monitoring activities by city personnel may be charged to the user. The monitoring facility should normally be situated on the user's premises, but the agency may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

(1) *Sample collection.* Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be grab samples. Cyanides may be collected by composite sampling techniques if the absence of sulfide has been documented. All other parameters must be sampled using flow proportional composite sampling techniques. Where flow proportional composite sampling is unfeasible, the Agency may authorize time proportional sampling. A minimum of four grab samples (per discharge duration or 24 hours, whichever is shorter) may be authorized by the

Agency where the user demonstrates that this will provide a representative sample of the effluent being discharged. Grab samples may be used to show noncompliance with instantaneous discharge limits.

(D) *Sample collection.*

(1) Except as indicated in division (D)(2) and (3) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Agency. Where time-proportional composite sampling or grab sampling is authorized by the samples must be representative of the discharge. Using protocol, including appropriate preservation specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Agency as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Unless otherwise specified samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals, including BTEX, must be grab samples. Cyanides may be collected by composite sampling techniques if the absence of sulfide has been documented.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in divisions (C) and (E) of § 51.62, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Agency may authorize a lower minimum. For the reports required by § 51.62(F), the industrial user is required to collect the number of grab samples

necessary to assess and assure compliance with applicable pretreatment standards and requirements. (Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 14-10, passed 4-8-10; Am. Ord. 22-11, passed 7-14-11)

§ 51.65 INSPECTION.

(A) The agency may inspect the facilities of any user to ascertain whether the purpose of this subchapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the agency or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties.

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

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

(D) The agency may require the industrial user to install monitoring equipment as necessary. The facilities sampling and monitoring equipment shall be

maintained at all times in a safe and proper operating condition by the industrial user at his own expense. All devices to measure wastewater flow shall be calibrated periodically to insure their accuracy.

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

(F) The agency may use digital photography during an inspection.

(G) Unreasonable delays in allowing agency personnel access to the industrial users premises shall be a violation of this chapter. (Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 31-86, passed 5-8-86; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 8-17, passed 4-13-17)

§ 51.66 CONFIDENTIAL INFORMATION.

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

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

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

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

§ 51.67 ADMINISTRATIVE ENFORCEMENT.

(A) The agency may revoke, after providing reasonable notice and opportunity for a hearing, any wastewater discharge permit, or terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this subchapter is found to exist or if it appears to the agency that an actual or threatened discharge presents an imminent danger to the welfare of persons, the environment, or the operation of the POTW. If the user fails to comply voluntarily with the suspension order, within the time period determined by the agency, the agency must immediately commence judicial proceedings to make the user comply with the order. The agency can reinstate the wastewater discharge permit or wastewater treatment service and terminate judicial proceedings provided the user can prove elimination of the problem.

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

(C) Any person aggrieved by any decision, action, or determination by the agency, including a decision upon a request for reconsideration, shall have the right to judicial review, with the Circuit or Superior Courts of Madison County, within 30 days after the making of the decision, action, or

determination. The agency's decision, action, or determination shall remain in effect during the pendency of such judicial review, unless the court first shall find there is no significant hazard to health or risk of damage to the agency's wastewater collection system or treatment facilities, in which event the court may stay or supersede the effect of the decision, action, or determination upon the parties of such bond as the court may determine and order.

(D) When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 14-10, passed 4-8-10)

§ 51.68 PUBLICATION OF VIOLATORS.

(A) In compliance with the public participation requirements of Federal Regulation 40 CFR Part 25 in the enforcement of National Pretreatment Standards, the agency will notify the public by publishing in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW the industrial users, which during the previous 12 months were significantly violating applicable pretreatment standards or this subchapter.

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

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirements, including instantaneous limits;

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 51.50 limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by § 51.50 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the agency determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

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

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

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 55-85, passed 8-27-85; Am. Ord. 13-3, passed 5-13-93; Am. Ord. 14-10, passed 4-8-10; Am. Ord. 8-17, passed 4-13-17)

§ 51.69 FALSIFYING INFORMATION.

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

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

§ 51.70 RIGHT OF APPEAL.

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

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

§ 51.71 TENANT RESPONSIBILITY.

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

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

§ 51.72 VANDALISM.

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

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

§ 51.73 SEVERABILITY.

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

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

§ 51.74 CONFLICTS.

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

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

§ 51.75 SEARCH WARRANTS.

If the Agency has been refused access to a building, structure, or property or any part thereof, and if the Agency has demonstrated probable cause to believe that there may be violation of this code or that there is a need to inspect as part of a routine inspection program of the agency designed to verify compliance with this code or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the municipal court judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify

what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Agency in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections shall be made without an issuance of a warrant.

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

**CONTRACT
SEWER PROJECTS**

§ 51.80 ESTABLISHMENT OF INTEREST RATES.

Agreements pertaining to contract sewers shall bear interest at a rate not exceeding 6% per annum.

(Ord. 32-80, passed 7-10-80; Am. Ord. 75-82, passed 11-10-82; Am. Ord. 53-08, passed 12-11-08)

§ 51.99 PENALTY.

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

(‘64 Code, § 111.99) (Ord. 1681, passed 6-9-43)

(B) (1) Any person found to be violating any provision of §§ 51.51 through 51.70 may be served by the agency with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

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

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

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

(5) The agency may recover reasonable attorneys' fees, court costs, and other expenses, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(C) Any person who fails to file any reports required under this code within 30 days of the established due date shall be guilty of a minor infraction and upon conviction thereof shall be fined in any sum not exceeding \$1,000 for each day that the violation occurs or continues.

(D) The remedies provided for in this section are not exclusive. The Superintendent may take any, all, or any combinations of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan and enforcement response guide. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 1-77, passed 2-10-77; Am. Ord. 55-85, passed 8-27-85; Am. Ord. 52-90, passed 8-23-90; Am. Ord. 13-83, passed 5-13-93; Am. Ord. 82-07, passed 12-13-07; Am. Ord. 14-10, passed 4-8-10)

CHAPTER 51A: STORMWATER MANAGEMENT

Section

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§ 51A.01 STORMWATER MANAGEMENT DEPARTMENT TO OPERATE STORMWATER SYSTEM.

(A) *Establishment.* The Stormwater Management Department, a department of the city, is hereby established. The department shall be headed by a superintendent to be appointed by the Mayor of the city. The superintendent, together with appointed staff, will be responsible for the day-to-day operations of the Department.

(B) *Applicable state law.* The Stormwater Management Department shall be subject to I.C. 36-9-23, as amended and in effect from time to time.

(C) *Board of Public Works.* The department, through the superintendent, shall report directly to the Board of Public Works of the city. The Board of

Public Works shall perform all necessary administrative policy-making oversight of the operations of the department.

(D) *General powers of the department.* The department shall have exclusive departmental jurisdiction over the collection and conveyance of stormwater within the city and the combined sewers in the city, and shall possess the following general powers:

(1) Install, maintain and operate the stormwater collection and conveyance system and the combined sewers of the city.

(2) Make all necessary or desirable improvements to the stormwater collection and conveyance system and the combined sewers of the city (including all appropriate actions taken with respect to sewer separation) and, when determined to be in the best interests of the city, to acquire or otherwise assume jurisdiction over any other improvements or facilities relating to the control of stormwater collection and conveyance currently owned or under the jurisdiction of other parties.

(3) Establish and enforce the rules, regulations, policies and procedures promulgated by the department as the same may be approved by the Board of Public Works and, if appropriate, the Common Council.

(4) Hold hearings and make findings and determinations to carry out the policies and procedures of the department with respect to the use of the stormwater system by the users thereof and the proper rates and charges imposed on such users.

(5) Recommend to the Board of Public Works and the Common Council reasonable and just rates and charges for services to the users of the stormwater collection and conveyance system and combined sewers of the city.

(Ord. 77-01, passed 1-10-02; Am. Ord. 72-04, passed 9-9-04)

§ 51A.02 PURPOSE AND OBJECTIVE.

(A) The mission of the city stormwater management program is to develop, implement, operate and adequately and equitably fund the acquisition, construction, operation, maintenance and regulation of stormwater collection and drainage systems and activities in the city including without limitation sewer separation and other improvements to the existing combined sewers of the city.

(B) The program shall safely and efficiently control stormwater runoff, enhance public health and safety, protect lives and property, facilitate mobility and enable access to homes and businesses throughout the community during storms, complement and support other city programs and objectives, control the discharge of pollutants in stormwater to receiving waters and enhance the natural resources of the community.

(Ord. 77-01, passed 1-10-02)

§ 51A.03 DEFINITIONS.

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

APPLICANT. The owner of land requesting a drainage credit or his agent or his legal representative.

CITY. The City of Anderson, Indiana.

COMBINED SEWER. Pipe or conduit primarily used to convey sanitary sewage and secondarily intended to convey stormwater.

CUSTOMER or USER. A property owner benefitting from the stormwater system.

DEPARTMENT. The Stormwater Management Department established under § 51A.01.

DEVELOPED. The condition of real property altered from its natural state by the addition to or construction on such property of impervious surfaces or physical improvements such that the hydrology of the property or a portion thereof is affected.

DETENTION. The temporary storage of storm runoff in a basin, pond or other structural or non-structural device to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides gravity-settling of pollutants.

DETENTION FACILITY. A facility constructed for the purpose of mitigating stormwater runoff from a developed site to control the peak discharge rate that is normally maintained either as a dry basin or with a permanent pool of water.

DITCH-OPEN. A relatively deep drainage channel which may have a continuous water flow. Open ditches are outlets for both surface, subsurface or storm sewer drainage systems.

DITCH-LEGAL. Any drainage system under the jurisdiction of the Madison County Drainage Board as of the date of enactment of this chapter.

DRAIN. Relative to stormwater drainage, any sewer, tile, ditch, stream or other stormwater runoff conveyance channel or conduit.

DRAINAGE EASEMENT. The land required for the installation of stormwater sewers or drainage ditches or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRAINAGE FACILITIES. All ditches, channels, conduits, retention-detention systems, tiles, drainage swales, sewers and other natural or artificial means of draining stormwater from land.

DRAINAGE REQUIREMENTS.

- (1) Minimum drainage standards as established by this chapter;
- (2) Regulations promulgated by the Board of Public Works of the city;
- (3) Obligations and requirements relating to drainage established under the subdivision control regulations of the city;
- (4) Requirements contained in the zoning regulations of the city, including floodway zoning requirements;
- (5) Obligations and requirements relating to drainage established under the Drainage Board of Madison County, Indiana, and
- (6) Conditions relating to drainage attached to a grant of variance by the Board of Zoning Appeals of the City.

DRAINAGE-SUBSURFACE. A system of pipes, tile, conduit or tubing installed beneath the ground used to collect underground water from individual parcels, lots, building footings or pavements.

DRAINAGE-SURFACE. A system by which the stormwater runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways and yards so that storm runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

DRAINAGE-SWALE. A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

DRAINAGE-SYSTEM. Any combination of surface and/or subsurface drainage components fulfilling all applicable drainage requirements.

EASEMENT. A grant by the property owner of the use of a strip of land by the public, a corporation or other legal entity for specified purposes.

ENGINEER. The City Engineer of the City of Anderson, Indiana.

ERU. Equivalent Residential Unit, equal to the average amount of impervious area found on a typical single-family residential parcel which is 2,500 square feet. Therefore, one ERU equals 2,500 square feet of impervious area.

IMPERVIOUS AREA. Area within developed land that prevents or significantly impedes the infiltration of stormwater into the soil. Included in this definition are areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.

INFILTRATION. A complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

LAND ALTERATION. Any action taken relative to land which either:

- (1) Changes the contour;
- (2) Increases the runoff rate;
- (3) Changes the elevation;
- (4) Decreases the rate at which water is absorbed;
- (5) Changes the drainage pattern;
- (6) Creates or changes a drainage facility;
- (7) Involves construction, enlargement or location of any building on a permanent foundation; or
- (8) Creates an impoundment. Land alteration includes (by way of example and not of limitation) terracing, grading, excavating, constructing earthwork, draining, installing drainage tile, filling and paving.

MAINTENANCE. Cleaning out of, spraying, removing obstructions from and making minor repairs in a drainage facility so that it will perform the function for which it was designed and constructed.

NPDES. The National Pollutant Discharge Elimination System, the EPA program initiated to reduce and eliminate pollutants reaching water bodies of all types.

NPDES PERMIT. Stormwater management permit required of municipalities and certain industries by the EPA pursuant to Section 402 of the Clean Water Act.

PEAK DISCHARGE. The maximum rate of flow of water passing a given point during or after a rainfall event. Sometimes called peak flow.

PRIVATE STORMWATER FACILITIES. Various stormwater and drainage works not under the control or ownership of the City, Madison County, the State of Indiana or the federal government which may include inlets, conduits, pipes, pumping stations,

manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

PROPERTY OWNER. The individual, partnership, corporation or other legal entity holding the deed or record title to real property.

PUBLIC DRAINAGE SYSTEM. Various storm water and drainage works under the control and/or ownership of the City, Madison County, the State of Indiana or the federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate storm water.

RESIDENTIAL PROPERTY. A lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating.

RETENTION. The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

RIGHT-OF-WAY. Any highway, street, avenue, boulevard, road, lane or alley and includes the entire right-of-way for public use thereof and all surface and subsurface improvements thereon including, without limitation, sidewalks, curbs, shoulders, utility lines and mains.

SEWER SEPARATION. A project intended to reduce the amount or rate of storm-water entering the wastewater treatment plant. Sewer separation projects include, but are not limited to, new sanitary sewer construction with conversion of combined sewer to storm sewer; new storm sewer construction with conversion of combined sewer to sanitary sewer; combined sewage holding tanks and equalization tanks at the treatment plant.

STORM SEWER. A sewer designed or intended to convey only stormwater, surface runoff, street

wash waters and drainage and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. A storm sewer begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

STORMWATER SERVICE CHARGE. A charge imposed on users of the stormwater system.

STORMWATER SYSTEM. All constructed facilities, including combined sewers, structures and natural watercourses owned by or under the jurisdiction of the city 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, culverts, retention or detention basins and pumping stations.

SUPERINTENDENT. The superintendent of the department.
(Ord. 77-01 passed 1-10-02)

§ 51A.04 STORMWATER SERVICE CHARGE.

A stormwater service charge shall be imposed on each and every lot and parcel of land within the city which directly or indirectly contributes to the stormwater system of the city, which charge shall be assessed against the property owner thereof, who shall be considered the user for the purposes of this chapter. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system.

(Ord. 77-01 passed 1-10-02)

§ 51A.05 STORMWATER SERVICE RATE ESTABLISHMENT PROCEDURES.

(A) Charge per ERU. The stormwater service charge shall be \$3.50 per ERU per month. For the purpose of this chapter, a month shall be considered

25 through 35 days. Any billings for stormwater service outside this time shall be on a per diem basis.

(B) Basis for charge. The stormwater service charge is designed to recover the cost of rendering stormwater service to the users of the stormwater system, and shall be the basis for assessment of the stormwater service charge. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

(Ord. 77-01 passed 1-10-02)

§ 51A.06 RATE STRUCTURE AND CALCULATION.

(A) *Generally.* For the purposes stated in §§ 51A.02 and 51A.05 there is hereby assessed a stormwater service charge for each property owner owning land situated within the corporate limits of the city that contributes directly or indirectly to the stormwater system of the city, in an amount as determined below.

(B) *Impervious area.* For any such property, lot, parcel of land, building or premises which contribute directly or indirectly to the stormwater system of the city, such charge shall be based upon the quantity of impervious area situated thereon. Impervious area of public rights-of-way and railroad lines (which shall not be deemed to include adjacent property, such as a railyard operated by a railroad), will not be included in the determination of a stormwater service charge. In addition, the department shall establish policies and procedures to make determinations whether commonly-owned, adjoining properties with separate plat or legal descriptions should be treated as a single parcel of land for purposes of calculating the stormwater service fees to be charged for such properties.

(C) *Classification of property.* All properties within the city will be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, with all properties having impervious area assigned at least one ERU (except as otherwise provided in § 51A.06(E) below), as follows:

(1) Single-family residential properties. A monthly flat-rate charge for stormwater service rendered to single-family residential properties shall be assessed to each single-family residential parcel within the city limits. All single-family residential properties are hereby assigned one ERU.

(2) Other properties. Properties with impervious area other than those containing a single-family residence will be assigned an ERU multiple based on the total amount of impervious area on the property (measured in square feet) divided by 2,500 square feet. ERU multiples, after taking into consideration any credits granted as provided in § 51A.09 of this chapter, shall be rounded to nearest whole integer.

(D) *Land alterations.* The issuance of any building permit or other action which results in a land alteration of a property other than a single-family residential property or a property that currently only contains a single-family residence but will be no longer used for such purpose shall be cause for an adjustment of the stormwater service charge determined under this section. The property owner shall have the obligation of informing the department of any such changes.

(E) *Exceptions/exemptions.* Except for public rights-of-way and railroad lines, there shall be no exceptions or exemptions from the assignment of gross stormwater ERUs for any property with impervious area except that properties other than single-family residential parcels with impervious area of less than 500 square feet shall be exempted from the assignment of an ERU.

(Ord. 77-01 passed 1-10-02)

§ 51A.07 BILLINGS; TERMS OF PAYMENT.

(A) *Billings.* All stormwater service bills shall be rendered on a monthly basis unless additional or prorated billing is required to reflect customer changes, initial billings or is otherwise required to adjust billing cycles. Charges for miscellaneous services or work performed on behalf of a stormwater customer by the department shall be assessed at the time the work is completed and shall be included in

the customer's next stormwater service bill. Stormwater billing for a new property shall commence with the billing for water service, the meter set date or date of occupancy whichever shall first occur. Additional stormwater charges for an established service address necessitated by a change in the amount of impervious area at the property shall commence on the date the new certificate of occupancy or compliance is issued. Billing adjustments required to correct impervious area measurements shall be applied retroactively to the date of the customer's initial protest. Billing adjustments required to implement credits under § 51A.09 of the chapter shall be applied retroactively to the date of the customer's application. Adjustments shall be made by crediting the stormwater service charge portion of the customer's utility account until any overpayment has been fully repaid. If the adjustment is greater than the total of that customer's previous two month's billings for stormwater services, the city utilities department will issue a refund check for the adjustment amount upon written request to such department.

(B) *Rights and responsibilities of property owner.* The provisions of the following subsection are applicable only to residential leaseholds of a single-family dwelling unit, and shall not be applicable to commercial leaseholds or residential leaseholds of structures containing more than one dwelling unit. The rates and charges may be billed to the tenant occupying the property served if evidence is presented in writing to the utility office that the tenant has agreed to pay these rates and charges. The owners of property served which are occupied by tenants shall have the right to examine the collection records of the city for the purpose of determining whether such rates and charges have been paid by such tenants. Charges for stormwater service shall remain the ultimate responsibility of the property owner, including all penalties, recording fees, attorney's fees, interest and court costs. Other than the property owner, no other person shall be permitted to inspect, examine or otherwise obtain confidential information including the social security number of the property owner obtained by the city utility for the sole purpose of billing for stormwater system service. For properties with inactive utility accounts where no water charges have been generated for 60 days or more, a stormwater only account number will be issued to such property,

payable by the owner of said property, until water charges have been reinstated. Stormwater service charges attach to the property, provided, however, that if a property owner sells or otherwise transfers such property billed for stormwater service, such property owner shall be responsible for the payment of all bills rendered for stormwater service until written notice of the transfer has been provided to the city utility department and the account may properly be transferred to another customer.

(C) *Terms of payment.* The stormwater service charges prescribed in § 51A.06 shall be due on the payment date set out on the bill. It shall be a violation of this chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date, shall be subject to a collection or deferred payment charge of 10% on the outstanding balance. Moving from one location to another in no way absolves the customer from responsibility for any unpaid charges incurred at a previous location.

(D) *Bad check charge.* Checks returned for non-sufficient funds will be subject to reimbursement of the fee the banking institution charges the city utilities department and an administrative charge to be established by the department not in excess of the amount provided in I.C. 35-43-5-5(e). A customer submitting a bad check may be prohibited from making future stormwater service charge payments by check.

(E) *Collection.* Delinquent stormwater service charges may be collected in a civil action along with other delinquent city utility charges, reasonable attorney fees and court costs.

(Ord. 77-01 passed 1-10-02; Am. Ord. 34-02, passed 8-8-02)

§ 51A.08 APPEALS OF ERU DETERMINATION.

If, in the opinion of any single-family residential property owner, the ERU multiple assigned to the property of such owner is inaccurate in light of the amount of impervious area contained on said property, such property owner shall have the right to contest such ERU determination. The Department shall

develop and promulgate policies and procedures to resolve any such contests, including, as determined necessary, the conducting of hearings and the making of determinations with respect to the measurement of impervious area contained on any property.

(Ord. 77-01 passed 1-10-02)

§ 51A.09 CREDIT POLICIES AND PROCEDURE.

Currently the city requires all developments to meet certain minimum detention criteria. Properties that meet such criteria will receive a 25% credit. Properties that meet the minimum city requirements plus achieve additional detention will receive up to an aggregate total of 40% credit for stormwater detention. An additional 10% credit can be obtained for water quality measures implemented by the property owner. The minimum stormwater service charge shall remain one ERU, even if the credit or credits reduce the ERU multiple below one ERU. The following outlines the criteria for each level of credit.

(A) *Minimum detention criteria.* The city currently requires that all new developments meet the following criteria:

(1) Developed discharge not to exceed five years predeveloped rate; and

(2) Development must provide retention or detention of 25 years developed rate on site through inline storage, pond or parking lot.

Properties that meet these criteria shall receive a 25% credit. The department shall develop policies and procedures for documenting compliance with the requirements for this credit, including provisions for extending the credit for properties with improvements built prior to the date that detention/retention was required but which has a basin in use. All drainage facilities shall be in approved drainage easements before any credit will be allowed. In addition, all drainage facilities shall be maintained by the property owner and verified on annual inspections for the property owner to maintain established credit. Inspections shall be performed annually. In the event of non-compliance, the property owner shall be

notified and given 30-60 days, depending on the severity of the non-compliance, to remediate the deficiencies and respond. If such noncompliance has not been remediated by the expiration date of the remediation period given to the property owner, the credit shall be forfeited and the property owner must reapply to obtain a new credit.

(B) *Maximum detention criteria.* In addition to the minimum detention credit, a property owner may receive up to an additional 15% credit if the owner’s stormwater facilities exceed the city minimum detention requirements in the manner hereinafter described. By increasing capacity on-site, these detention efforts reduce the demand and stress on the downstream drainage facilities. The city shall credit up to an additional 15% for facilities that meet the following criteria:

<i>Criteria</i>	<i>Credit</i>
(1) Provide an additional 20% volume storage	4%
(2) Provide a reduction in developed peak runoff rate by 20%	4%
(3) Provide storage for 100-year events	4%
(4) Provide extended storage with the potential for ground water recharge	3%

The department shall develop policies and procedures for documenting compliance with the requirements for the credits described in this division.

(C) *Volume credit.* Properties that provide additional volume under the emergency spillway of the detention facility shall receive up to an additional 4% credit. To receive this credit, the applicant must provide the calculations and data necessary to quantify the additional storage volume. The credit is calculated by determining the minimum detention volume required by the city and comparing it to the volume provided. The additional credit shall be calculated based on the following table:

Table 51A.09(C) - Volume Credit

<i>Additional Volume Provided</i>	<i>Credit</i>
20% or Greater	4%
15-20%	3%
10-15%	2%
5-10%	1%
0-5%	0%

(D) *Peak reduction credit.* Properties that provide additional decrease in peak flow rate shall receive up to an additional 4% credit. The credit is calculated by determining the required peak outflow to meet the city requirements and comparing it to the designed peak outflow. The additional credit shall be calculated based on the following table:

Table 51A.09(D) - Peak Reduction Credit

<i>Additional Reduction in Peak</i>	<i>Credit</i>
20% or Greater	4%
15-20%	3%
10-15%	2%
5-10%	1%
0-5%	0%

(E) *100-year storage credit.* Properties that provide additional storage to contain a 100-year event without flowing through the emergency spillway will receive up to an additional 4% credit. This credit is applied only if the pond is designed to contain the 100-year design flow, without flowing over the emergency spillway. If this design criteria is met then an additional 4% will be added to the minimum credit.

(F) *Extended storage credit.* Properties that provide extended storage greater than 24 hours will receive up to 3% additional credit. The credit will be calculated by determining the time it takes the pond to drain from its peak elevation to the original time to peak of the undeveloped conditions. The additional credit percentage will be determined by the following table:

Table 51A.09(F) - Extended Storage Credit

<i>Detention Time Provided</i>	<i>Credit</i>
24 hrs. or greater	3%
16-24 hrs.	2%
8-16 hrs.	1%
0-8 hrs.	0%

(G) *Water quality credit.* Properties that provide measures that improve the quality of stormwater that leaves the property will receive up to an additional 10% above the maximum 40% for stormwater quantity. This credit can apply to property owners who are required to maintain individual NPDES industrial permits. All applicants for the water quality credit will be required to provide copies of past Site Compliance Evaluations and the most current Site Compliance Evaluations to maintain this credit. The department shall develop policies and procedures to establish standards for the granting of the water quality credit.

(H) *Payment required.* Application for any one or more credits or any appeal of the determination or determinations made in respect thereto shall not constitute a valid reason for non-payment by the user of the originally assessed stormwater service charge.

(I) *Appeals.* Determinations regarding credits for a user may be appealed in the same manner as will be established by the department for appeals of ERU determinations pursuant to § 51A.08 of this chapter.

(J) *Inspections.* Any party requesting a credit shall permit the department and its agents to undertake any inspection or inspections needed in the discretion of the Department to determine whether any one or more credits are appropriate. The department further reserves the right to inspect periodically all storm drainage control facilities of a user that has received one or more credits to ascertain whether such facilities are operating properly. If such facilities, due to improper maintenance or any other reason, fails to meet the criteria required for any credit, the superintendent shall issue an order to complete the repairs of such facilities within 60 days. If such repairs are not completed within the 60-day period, the superintendent, in his or her sole discretion, may

issue an order eliminating or reducing detention credits to an appropriate level. Any such facility shall not be eligible to reapply for credit adjustments for a period of 12 months following any credit reduction or elimination ordered by the superintendent.

(K) *Land alteration.* The issuance of any building permit or other action which results in land alteration with respect to a property receiving any one or more credits under this section shall be cause for an adjustment, as appropriate, of the credits to which the owner may be entitled. The property owner shall have the obligation of informing the department of any such changes in the manner prescribed.

(Ord. 77-01 passed 1-10-02)

§ 51A.10 STORMWATER REVENUE FUND.

(A) All revenues earned and fees collected for stormwater service, including but not limited to drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds, shall be deposited in an account entitled “City of Anderson Stormwater Revenue Fund” and shall be subject to the provisions of I.C. 36-9-23, as amended.

(B) Disbursements from this account shall be authorized by the Board of Public Works and, as required by law, the Common Council. Such disbursements shall be used exclusively for the operation, maintenance and improvement of the city’s stormwater system.

(C) Funds from this account shall not revert to any other city utilities or the General Fund of the city and may not be transferred for any other purpose. To the extent that there are outstanding revenue bonds of the city issued pursuant to the provisions of I.C. 36-9-23, as amended, revenues deposited in the Stormwater Revenue Fund shall be subject to the covenants contained in the ordinance or ordinances authorizing such outstanding bonds.

(Ord. 77-01 passed 1-10-02)

§ 51A.11 LIEN ON PREMISES.

Delinquent charges for stormwater services and applied penalties, recording fees and service charges constitute a lien upon the property and may be collected in accordance with the provisions of I.C. 36-9-23-32 and 36-9-23-33.
(Ord. 77-01 passed 1-10-02)

§ 51A.99 VIOLATIONS, ENFORCEMENT AND PENALTIES.

(A) Failure to pay a stormwater user fee when due shall constitute a violation of this chapter, which shall be enforced by the superintendent and such deputies as the superintendent may appoint for such purposes. Violations by any non-residential user under this requirement shall be subject to a fine of up to \$2,500 per day and shall be held responsible for the amount of the outstanding bill in lieu of a collection action and assessment of charges set out in § 51A.07(C) through (E) or lien procedures under § 51A.11.

(B) In order to protect the integrity of the stormwater utility of the city, it is determined to be a violation of this chapter to permit, allow or engage in the dumping or disposal of materials other than stormwater into the city's separate stormwater system. Any user found in violation of this prohibition shall be subject to a fine of up to \$2,500 per day. In addition, that user may also be held responsible for any costs incurred by the city in rectifying a situation of pollution to the waterways of the city and for repairing any damage to a public stormwater facility or the stormwater system.

(C) It shall be a violation of this chapter to permit, allow or engage in the discharge of domestic sewage or industrial waste into any waterway of the city, including but not limited to the White River, any of its tributaries or streams or any streets, storm sewers or drains, ditches or drainage ways leading to any such waterway. Any user found in violation of

this prohibition shall be subject to a fine of up to \$2,500 per day. In addition, that user may also be held responsible for any costs incurred by the city in rectifying a situation of pollution to the water-ways of the city and for repairing any damage to a public stormwater facility or the stormwater system. This prohibition shall not apply with respect to the combined sewers of the city to actions taken or not taken by the City, the Board or the Department or any officer or employee of the same acting in their official capacity.

(D) It shall be a violation of this chapter to store polluting substances, as identified by the United States Environmental Protection Agency or the Indiana Department of Environmental Management, in a manner which violates any federal, state or local statute, ordinance or regulation relating to the protection of the public health, safety and welfare or environment, when such storage is shown to have the potential of allowing discharge to any waterway, including but not limited to the White River, any of its tributaries or streams or any streets, storm sewers or drains, ditches or drainage-ways leading to any such waterway. Any user found in violation of this prohibition shall be subject to a fine of up to \$2,500 per day. In addition, that user may also be held responsible for any costs incurred by the city in rectifying a situation of pollution to the waterways of the city and for repairing any damage to a public stormwater facility or the stormwater system.

(E) Any other violation of this chapter by a non-residential property owner shall be subject to a fine of up to \$2,500 per day. In addition, the violating party may also be held responsible for any costs incurred by the city in rectifying a situation of pollution to the waterways of the city and for repairing any damage to a public stormwater facility or the stormwater system.

(F) Whenever the superintendent or any such deputy shall deem it appropriate to charge any person with violation(s) of this chapter, he shall issue to such person a notice of violation and/or summons, which

shall be processed according to the provisions of I.C. 34-28-5, or may employ administrative remedies in accordance with I.C. 36-1-6-9 and the municipal code of the city.

(G) Each day that such violation(s) or non-compliance continues shall constitute a separate offense. Any fine assessed by the court shall be deemed a civil judgment.

(H) The remedies of the Department, the Board of Public Works and the city enumerated in this chapter shall not be exclusive and shall be deemed to be in addition to all other remedies which the Department, the Board of Public Works and the city may have at law or equity.

(Ord. 77-01 passed 1-10-02)

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CHAPTER 52: ELECTRIC SERVICE

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Appendix A:	Rate adjustments
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GENERAL TERMS AND CONDITIONS**§ 52.001 DEFINITIONS.**

For the purpose of better understanding the tariffs, the words and expressions listed below shall have the following meanings within which the following abbreviations are used:

Abbreviations

Horsepower	HP
Kilovolt-amperes)	KVA
Kilowatt(s)	KW
Kilowatt-hours)	KWH
Load Factor	LF

Abbreviations

Overhead System	OH
Power Factor	PF
Reactive Kilovolt-ampere(s)	KVAR
Reactive Volt-ampere(s)	VAR
Reactive Kilovolt-ampere(s) Hours	RKVAH
Underground System	IJG
Volt-ampere(s)	VA
Watts	W

Terms

AGREEMENT or ***APPLICATION***. A contract or service request for a supply of electric service.

APARTMENT. Premises containing two or more individual residential dwelling units. Hotels, tourist camps, motels, hospitals, nursing homes, etc., consisting primarily of guestrooms and/or transient accommodations, are not included.

APPENDIX. Supplemental provisions applicable to specific rate schedules.

AUXILIARY SERVICE. Service supplied for a part of customer's load requirements, the wiring for which is entirely separate and apart from the wiring to the remainder of customer's electric requirements when the latter are furnished by customer's privately-owned generating equipment.

BILLING KW or ***BILLING KVA***. Customer's maximum load expressed in KW or KVA (as adjusted in accordance with the applicable rate schedule) which will be used in the calculation of the bill.

BILLING CYCLE. Utility's schedule for meter reading and billing which distributes the starting dates for billing periods throughout the month.

BILLING PERIOD or ***MONTH***. The interval between two consecutive meter readings that are taken for billing purposes. Such readings will be taken as nearly as practicable every 30 days. All rate schedules are on the basis of charges per month unless otherwise specifically stated in the rate schedule.

BREAKDOWN, RESERVE or STANDBY CAPACITY. Service available for customer's load requirements in whole or in part for use in the event or temporary failure of customer's privately-owned generating equipment.

COMMISSION. Indiana Utility Regulatory Commission, the regulatory body in Indiana.

CONTRACT YEAR. Twelve consecutive billing periods used in the application of the rate schedules.

CONTRACTED CAPACITY. Customer's specified load requirements expressed in KW or KVA for which customer contracts and utility is obligated to supply.

CUSTOMER. The individual, partnership, corporation or other entity in whose name service is rendered at a single premise.

DELIVERY POINT. The point of the physical connection between utility's and customer's facilities beyond which point customer receives and assumes responsibility and liability for the service rendered.

DELIVERY VOLTAGE. The voltage of utility's facilities at the service connection.

DEMAND. The rate at which electric energy is delivered to customers at a given instant or averaged over a designated period, usually expressed in KW or MW.

DISTRIBUTION LINE. Any electric line of utility operated at a voltage of 13,200 volts or less.

ENERGY. The active component of the quantity of supply expressed in KWH as opposed to demand which refers to KW.

HORSEPOWER. A unit of delivered power typically used to rate the nominal size of a motor and the load or demand which such motor imposes on an electric supply system. The horsepower rating of a motor can be converted into kilowatts, as follows: 1 HP = 0.746KW

KVA. 1,000 volt-amperes (VA). The KW of a given load divided by the corresponding power factor expressed as a decimal is equal to the KVA for example:

$$\frac{540 \text{ KW}}{0.90 \text{ PF}} = 600 \text{ KVA}$$

KVAR. 1,000 reactive volt-amperes (VAR).

KW. 1,000 Watts.

KWH. The use of the active component of power where 1 KWH is equal to 1 KW used for 1 hour. For example, a 100-watt light bulb used continuously for 730 hours is equal to 73 KWHs:
100 Watts = 0.1 KW and 0.1 KW x 730 Hours = 73 KWHs.

LOAD FACTOR. The KWH divided by the product of the average hours per month (730 hours) times the KW Maximum Load in the month, expressed as a percentage, for example:

$$\frac{1000 \text{ KW H x } 100}{5 \text{ KW x } 730 \text{ Hrs./Mo.}} = 27.40\%$$

MANAGEMENT. Utility Management includes its Superintendent, and/or the governing body.

MAXIMUM LOAD. The maximum integrated rate of use of power during a specified time interval as provided in the rate schedule, expressed in KW or KVA.

METER. The complete installation of equipment needed to measure maximum load and/or energy supplied to customer.

METER VOLTAGE. The voltage at which service is metered irrespective of the delivery voltage.

NOMINAL VOLTAGE. The designated voltage assigned to a circuit or system of a given voltage class for the purpose of convenient identification.

OVERHEAD SERVICE. Service provided through those parts of utility's distribution system, which are constructed on or supported primarily by wooden poles.

OVERHEAD SYSTEM. Those parts of utility's distribution system which are constructed on and supported primarily by wooden poles.

POWER FACTOR (PF). In rate schedules providing for power factor adjustment, PF will be calculated from the relation between the reactive (RKVAH) and the active (KWH) components of energy used, expressed as a percentage.

PREMISES. A distinct portion of real estate on which is located the living quarters for the use of a single family, or the main building or main operation of a commercial or industrial customer and which may include the immediate outlying or adjacent buildings used by the same customer, provided the use of service in the immediate outlying or adjacent buildings is supplemental and is similar to the type of service used in the main residence, main building or main operation.

PRIMARY LINE. Any distribution line of the utility operated at a voltage between 2,400 volts and 13,200 volts.

RATE SCHEDULE. A service schedule which sets forth the availability and charges for service supplied to a particular group of customers with similar usage characteristics.

RESIDENTIAL DWELLING UNIT. An individual residence including mobile homes and trailers or a room or combination of rooms with facilities for private living for a single family.

RKVAH. The metered use of the reactive component of power.

SECONDARY LINE. Any distribution line of utility operated at a voltage under 600 volts.

SERVICE. The supply of electric energy delivered by utility to customer, but may also include the provision of other services such as street lighting, dusk-to-dawn lights, equipment rental or other ancillary services provided under approved tariffs or under specific agreements with the customer.

SERVICE CONDUCTORS. Utility's wires extending from the point of connection with utility's supply line to the delivery point.

SERVICE CONNECTIONS or DELIVERY POINT. The point of the physical connection between utility's and customer's facilities, beyond which point customer receives and assumes responsibility and liability for the service rendered.

SUBSTATION. The electric equipment and structures including transformers, switches, protective devices and other apparatus necessary to transform energy from a transmission or primary line voltage.

SUPPLEMENTAL SERVICE. Service which is normally supplied from utility's facilities in addition to service supplied by customer's privately-owned generating equipment.

TARIFF. The entire body of rate schedules, riders and general terms and conditions for electric service.

TRANSMISSION LINE. Any electric line of utility's operated at a voltage above 13,200 volts.

UNDERGROUND SERVICE. Service provided through those parts of utility's distribution system which are constructed and installed underground.

UNDERGROUND SYSTEM. Those parts of utility's distribution system which are constructed and installed underground.

UTILITY. Anderson Municipal Light and Power, PO Box 2100, Madison County, Anderson, Indiana 46018.

VA. Apparent power and equal to the vectorial sum of the active and reactive components of power.

VAR. Reactive component of power.

WATT (W). Active component of power.
(Ord. 43-02, passed 10-10-02)

§ 52.002 RATE SCHEDULES.

(A) A copy of all available rate schedules is on file with the commission. A copy of all available rate schedules and the general terms and conditions for electric service is available at the business office of the utility.

(B) The commission has continuing jurisdiction over all available rate schedules.

(C) Any rate schedule may be revised or changed from time to time in the manner prescribed by the Public Service Commission Act of Indiana (as amended) or by other applicable laws and any such changes when approved by the Commission will supersede the present rate schedule.

(D) The general terms and conditions for electric service sets forth the conditions under which service is to be rendered and governs all classes of service to the extent applicable. In case of conflict between any provision of a rate schedule and the general terms and conditions for electric service, the provisions of the rate schedule shall prevail.

(Ord. 43-02, passed 10-10-02)

§ 52.003 APPLICATION OR AGREEMENT.

(A) A written application or agreement shall be required by utility before service will be provided, which when accepted by utility shall constitute the agreement between utility and customer.

(B) Utility shall have the right to reject any application for any valid reason.

(C) Utility may require a long-term agreement commensurate with the cost to utility of making service available to the customer and/or the size of a customer's load which utility is obligated to serve.

(D) Utility may also require a minimum billing agreement whereby the installed cost of facilities is amortized over 36 months. If the customer's monthly

usage falls below the amortized monthly payment, the customer may be required to pay the difference or the customer pays either the monthly electric bill or the amortized payment amount, which ever is greater.

(E) No agent or employee of utility has the authority to amend, modify, alter or waive any part of the rate schedule or any provision included in the general terms and conditions for electric service.

(F) In written agreements, no promises, agreements or representations of an agent or an employee of utility shall be binding unless such promises, agreements or representation were incorporated in the agreement before its execution and approval.

(G) The benefits and obligations under any agreement shall be binding upon the successors and assigns, survivors and executors or administrators as the case may be of the original parties for the full term of the agreement; provided, however, that no assignment shall be made by customer without first obtaining utility's written consent. Utility may require the successor either to execute with utility an assignment agreement wherein the successor-customer assumes and agrees to be bound by the original agreement or to execute a new agreement for service. (Ord. 43-02, passed 10-10-02)

§ 52.004 RATE SCHEDULE SELECTION.

(A) A copy of the rate schedules and the general terms and conditions for electric service will be furnished to the customer upon request at the utility's business office.

(B) Customer shall designate the rate schedule on which the application or agreement shall be based when more than one rate schedule is available for the service requested.

(C) Utility will assist customer in the selection of the rate schedule best adapted and/or required for the customer's service requirements, provided, however, that utility does not assume responsibility for the selection or that customer will at all times be served under the most favorable Rate Schedule.

(D) Customer may change the rate schedule selection to another applicable rate schedule at any time by either written notice to utility and/or by executing a new agreement for the rate schedule selected, provided that the application of such subsequent selection shall continue for 12 months before any other selection may be made.

(E) In no case will utility refund any monetary differences between the rate schedule under which service was billed in prior periods and the newly selected rate schedule.

(Ord. 43-02, passed 10-10-02)

§ 52.005 PREDICATION OF RATES.

(A) Utility's rate schedules, except as provided for in divisions (B), (C) and (D) hereunder, are predicated upon the supply of service to one premises at one standard voltage at one delivery point and through one meter for the ultimate use by one customer.

(B) When service is supplied to an individual residential dwelling unit primarily for serving one family and where boarders or roomers are accommodated for incidental income, the service will be provided under the residential rate schedule.

(C) When service is supplied to a residential dwelling unit where the use is primarily for the accommodations of roomers or boarders, the service will be provided under a nonresidential rate schedule unless separate circuits are furnished by customer to permit utility to separately meter and bill the residential and non-residential uses.

(D) When the principal use of service supplied to a residential dwelling unit is for residential purposes, but a small amount of energy will be used for non-residential purposes, such non-residential use will be permitted only when the equipment for such use is within the capacity of a 120 volt, 30 ampere branch circuit (or is less than 3000 Watts capacity) and the non-residential use is less than the residential use on the premises.

(E) When the non-residential equipment and/or use exceeds the above-stated limits, customer will be required to separate his wiring so that the non-residential use may be metered separately and the non-residential use will be billed under the appropriate non-residential rate schedule or the entire service will be billed under the appropriate non-residential rate schedule.

(F) Except for the above-stated provisions, when service supplied on one premises involves more than one service classification or one standard voltage or one service connection, each such services shall be separately metered and billed unless the rate schedule specifically provides for more than one voltage and the combining of the meter readings or when the service is supplied in such manner for utility's operating convenience or to meet legal requirements. (Ord. 43-02, passed 10-10-02)

§ 52.006 SERVICE DEPOSITS.

(A) The utility may require the customer at any time prior to or after commencement of service to make a deposit. Customer applying for service may be asked to make a service deposit unless customer can furnish utility a letter of good payment record from another utility. A service is equal to 1/6 of customer's expected annual billing.

(B) A new or additional deposit may be required from a present customer who receives disconnect notices for two consecutive months, or any three months in a preceding 12-month period, or whose service has been disconnected for nonpayment.

(C) The deposit, less any amount owing to the utility for electric service, will be refunded when a service is disconnected or may be refunded by the utility at any prior time. Deposits may be refunded by the utility after satisfactory credit has been established with the utility.

(D) The utility shall have reasonable time in which to read the meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit.

(E) The required deposit for those accounts that have been disconnected for non-payment and are 150% of poverty or more will be reduced upon verification of household income.
(Ord. 43-02, passed 10-10-02; Am. Ord. 51-06, passed 7-13-06)

charged to the customer. For those customers who have been charged for non-sufficient funds, utility may require that all future payments be made in cash or money order.
(Ord. 43-02, passed 10-10-02; Am. Ord. 51-06, passed 7-13-06)

§ 52.007 RENDERING AND PAYMENT OF BILLS.

(A) Bills for service will be rendered monthly at intervals of approximately thirty days and will be based on the charges set forth in the schedule of rates and charges and are payable at the office of utility or to its authorized collection agencies.

(B) All bills are rendered as “net” bills, which will be subject to a late payment charge of 10% of the first \$3.00 plus 3% of the remaining balance of such net bill when not paid within 15 days following the date of issue of the bill. When the due date falls on the weekend or on any legal holiday, the first business day thereafter shall be added to the due date.

(C) Failure to receive a bill shall not entitle customer to pay the net bill after the designated date has passed. Upon request, utility will inform customer of the approximate date on which customer should receive the bill each month and, if the bill is lost, utility will issue a duplicate.

(D) Final bills will be due and payable at the time of discontinuance of service or due date on bill. When utility is unable to obtain the reading of a meter after reasonable effort, it may estimate the reading and render a bill, so marked. In the event that the meter has been estimated four consecutive months, utility has the right to disconnect until egress has been made. In the event utility’s meter fails to register properly for any reason, utility shall estimate customer’s energy use and/or other bill determinates during the period of failure based on such factors as customer’s normal load and energy usage during a like corresponding period.

(E) When utility is required to reprocess a check rendered for payment of a customer’s bill due to non-sufficient funds, a handling charge may be

§ 52.008 EQUAL PAYMENT PLAN.

(A) Residential customers using electric service for house heating shall have the option of paying bills under the utility’s Equal Payment Plan (Budget Plan), where the total service for the succeeding 12-month period is estimated in advance and bills are rendered monthly on the basis of one-twelfth of the 12-month estimate.

(B) The utility may at any time during the 12-month period adjust the estimate so made and the bills rendered in accordance with such estimate to conform more nearly with the actual use of service. The normal equal payment period will be 12 months commencing in any month selected by the utility. In those cases where billing is commenced during a month which leaves less than 12 months until the beginning of the next normal equal payment period to which the customer is assigned, payments shall be calculated on the basis of the months in such period.

(C) In case the actual service used during any equal payment period exceeds the bills as rendered on the Equal Payment Plan, the amount of such excess, at the discretion of the utility, shall be paid on or before the due date of the bill covering the last month

of the equal payment period in which such excess appears or such excess may be added to the estimated use for the next normal equal payment period. If the customer discontinues service with the utility under the Equal Payment Plan any such excess not yet paid shall become payable immediately.

(D) In case the actual service used during the equal payment period is less than the amount paid under the Equal Payment Plan during such period, the amount of such overpayment shall at the option of the utility be either refunded or credited to the customer at the end of the period.

(E) If a customer fails to pay bills as rendered on the Equal Payment Plan, the utility shall have the right to withdraw the plan with respect to such customer and to restore the customer to billings as provided for the applicable rate schedules in addition to any other rights which the utility may have under such rate schedules or the general terms and conditions for electric service in case of arrearage in payment of bills.

(Ord. 43-02, passed 10-10-02)

§ 52.009 FINANCIAL AGREEMENTS.

(A) *Short-term agreement.* A payment agreement may be entered into for past-due accounts for the total bill amount under \$500. A 10% down payment is required with the balance due in ten working days. Customers failing to meet the obligation of the agreement will have their service disconnected without further notice and will not be eligible to enter into an additional financial agreement for a period of one year.

(B) *Long-term agreement.* A payment agreement may be entered into for the past-due accounts for the total bill amount over \$500. A 50% down payment is required with the balance divided into four equal monthly payments due in addition to current charges by the due date of each month's billing. A customer failing to meet the obligation of the agreement will have their service disconnected without further notice and will be required to pay all past due amounts on the agreement prior to be reconnected. A customer failing to meet the obligation

the obligation a second time will have their service disconnected without further notice and will not be eligible to enter into an additional financial agreement for a period of one year.

(C) Payment agreement extensions may be given by utility's management under extenuating circumstances.

(Ord. 43-02, passed 10-10-02)

§ 52.010 CUSTOMER'S REQUEST TO DISCONTINUE SERVICE.

(A) Customer's who have not contracted for service for a specified term may have service discontinued by giving notice at utility's office of the date on which customer desires that service be discontinued.

(B) Utility will endeavor to obtain the final meter reading on the date customer specifies in his notice, but shall not be obligated to do so unless customer's notice provides utility at least three working days with access to the meter.

(C) Customer shall be obligated to pay for service rendered to customer until the final meter reading is obtained by utility.

(D) A customer who has contracted for service for a specified time may have service discontinued by giving notice at utility's office and agreeing to pay for service used to the date of disconnection. Customer shall also be liable for the minimum charges which would be due utility for the remaining period of the agreement in accordance with the agreement provisions.

(Ord. 43-02, passed 10-10-02)

§ 52.011 UTILITY'S RIGHT TO DISCONTINUE SERVICE.

(A) Utility may discontinue service to any customer without notice for any of the following reasons:

(1) When in the utility’s opinion a condition exists that is dangerous or hazardous to life, physical safety or property;

(2) When emergency repairs must be made to utility’s facilities or system;

(3) When there has been tampering with utility’s meters or equipment, or evidence of fraudulent or unauthorized use of energy in such a manner as to circumvent utility’s meter; or

(4) When ordered to do so by a court, the commission, another duly authorized public authority or authorized governmental agency.

(B) Utility may discontinue service to any customer with reasonable notice for any of the following reasons in accordance with the rules and polices of utility:

(1) When any bill remains unpaid;

(2) When planned repairs are to be made to utility’s facilities or system;

(3) When customer denies access by employees of utility to its meter or other facilities;

(4) When customer uses equipment in such a manner as to adversely affect utility’s system or service supplied by utility to other customers; or

(5) When customer fails to comply with the provisions of either the tariffs, the applicable rate schedule, the general terms and conditions for electric service or the agreement for service.

(C) Discontinuance of service in accordance with the provisions stated above shall not constitute a breach of any obligation of utility under any agreement for service with customer, and utility shall not in any case be liable to customer for any damages resulting from such discontinuance of service.

(Ord. 43-02, passed 10-10-02)

§ 52.012 RECONNECTION CHARGE.

(A) When utility has discontinued service for nonpayment of a bill, temporary removal of meters, changes in service or for any other cause, utility reserves the right to charge customer an amount for reconnection commensurate with the cost of such reconnection, but in no event will such charge be less than \$30 for regular working hours and \$75 for overtime hours.

(B) If such service occurs during non-working business or regular hours other than the standard connect/disconnect procedures, the charges would be based on the “job work order” policy of utility.

(C) When utility is required to disconnect service at a location other than at the meter, the reconnection charge will be commensurate with the cost of such reconnection but in no event will such charge be less than \$75 for regular working hours and \$150 for overtime hours.

(Ord. 43-02, passed 10-10-02)

§ 52.013 SERVICE TO BE FURNISHED.

(A) When requested by utility, customer shall advise utility fully with respect to the location of the premises where service is desired and to all equipment to be operated. Utility shall advise customer concerning the character of service to be supplied and shall determine the location of the service connection, and the location of the meter.

(B) As the facilities provided by utility for supplying service to customer have definite capacity limitations, customer shall not make any significant increase in requirements without sufficient advance notice to utility in order to provide a reasonable time in which utility may increase the capacity of its facilities. Failure to provide such notice to utility shall make customer liable for damages which may be occasioned to the meters or other facilities by overload.

(C) Before utility will make any changes in its facilities to increase capacity to a customer, a new application or agreement for service may be required by utility.

(Ord. 43-02, passed 10-10-02)

§ 52.014 CUSTOMER'S INSTALLATION.

(A) Customer shall install and maintain suitable entrance equipment switches and protective devices to afford reasonable adequate protection to utility's property and system against fault originating beyond the service connection to customer.

(B) All such customer's equipment shall be constructed and maintained subject to approval by the City Building Inspector and in accordance with the National Electric Code, any federal, state or local law and utility requirements in effect at the time of installation.

(C) Utility shall have the right to inspect customer's installation to determine that the use of customer's equipment will not adversely affect utility's system or service supplied by utility to other customers and to refuse to commence service or to continue service when such installation is deemed not to be in good operating condition; but utility does not under any circumstances assume responsibility in connection with customer's installation.

(Ord. 43-02, passed 10-10-02)

§ 52.015 EXTENSION OF SERVICE.

(A) Utility will extend its lines and facilities in accordance with the rules and policies of utility.

(B) Whenever in the opinion of utility the necessary expenditure to make connection to an applicant for service is not warranted by utility's estimate of prospective revenues to be derived therefrom or whenever in the opinion of utility the permanence of the customer's load is questionable, utility may require the applicant to make a non-

refundable Contribution In Aid Of Construction. Such Contribution In Aid Of Construction shall be paid to the utility by customer and/or developer prior to the actual construction of the extension.

(Ord. 43-02, passed 10-10-02)

§ 52.016 UTILITY EQUIPMENT ON CUSTOMER'S PREMISES.

(A) Customer, in entering into an agreement for electric service with utility, will furnish to utility a satisfactory location for and provide reasonable and safe access to utility's meters and other equipment necessary to provide and measure service and will also furnish to utility the rights on, over and under customer's premises necessary to install, operate and maintain utility's other facilities required to supply service to customer.

(B) When customer is not the owner of the premises and/or of the adjacent premises, customer shall furnish utility with satisfactory easements for the location of utility's facilities on the premises and/or on the adjacent premises.

(C) Utility reserves the right to make the final decision as to the location of the meter on customer's premises.

(D) When utility's transformers, meters or other facilities are to be installed indoors on customer's premises, customer shall furnish without cost to utility a suitable room or vault for housing the equipment; provided, however, that utility shall reserve the right to make the final decision as to the location of such room or vault. Such space shall meet the requirements of the National Electrical Code or any federal, state or city laws or regulations and of any policies of utility in effect at the time of the installation.

(E) Utility may change the location of any or all of its facilities upon request of customer, provided such change will not interfere with or jeopardize utility's service either to customer requesting the change or to other customers of utility, and customer shall be required to bear all or a portion of the expense of such change.

(F) Customer shall provide reasonable protection from losses or damage to utility property and may be liable to utility in the event of such loss or damage caused by negligence of customer or any other agent or employee of customer.

(G) Customer shall not disconnect, change connections or otherwise interfere with utility's meters or other property and shall be responsible to utility for permitting anyone who is not an agent or employee of utility to tamper with utility's property. Customer shall not be permitted to attach or connect any equipment to utility's facilities without receiving prior approval from utility.

(H) All facilities installed and owned by the utility shall be operated and maintained and remain the property of utility.

(I) Properly authorized employees or agents of utility shall have the right to enter upon customer's premises at all reasonable times for the purpose of meter reading, inspecting, testing, repairing or replacing any or all of utility's property used in supplying any service to customer.

(J) Upon termination of an agreement or discontinuance of service, utility shall have the right to remove all of its property from customer's premises.

(Ord. 43-02, passed 10-10-02)

§ 52.017 LIABILITY AND INTERRUPTION OF SERVICE.

(A) Utility will at all times endeavor to provide regular and uninterrupted service, but does not guarantee against variations in service characteristics, such as frequency, voltage, phase angle, phase balance, momentary outages, loss of neutral and single phasing of three-phase systems, occasioned by acts of God, uncontrolled forces, orders of public authorities, fires, strike, casualty and necessity for making repairs or replacements of utility's facilities.

(B) In case the supply of service is interrupted or sustains other variations such as high or low voltage, loss of neutral, single phasing of three-phase service,

phase reversals or trouble resulting from defects in customer's wiring or other equipment, utility shall not be liable to customer for damages or losses resulting from such interruption or variation in service, unless due to the gross negligence of utility.

(C) Such interruptions or variations shall not constitute a breach of any obligations of utility under any agreement for service with customer.

(D) Interruption of service caused by failure of equipment installed by customer on customer's side of service connection shall not be the responsibility of utility.

(1) When utility is requested by customer to assist in the restoration of service during normal working hours, there may be a charge for such service, based on the "job work order" but in no event less than \$35.

(2) If such service occurs during non-normal business hours, customer may be billed an amount based on the "job work order" procedure of utility, but in no event will such amount be less than \$75.

(E) Customer shall provide and maintain suitable protective devices on customer's equipment to prevent any loss, damage or injury that might result from single phasing conditions or any other fluctuation or irregularity in the supply of energy.

(F) The utility shall not be liable for any loss, damage or injury resulting from customer's use of customer's equipment or occasioned by the energy furnished by the utility beyond the service connection or delivery point.

(Ord. 43-02, passed 10-10-02)

§ 52.018 METERING.

(A) All service supplied by utility will be measured by meters of standard manufacturers which are owned, installed and maintained by utility, except under rate schedules in which the charges for service

are at a flat rate predicated on a fixed use of utility's or customer's equipment such as street lighting, outdoor lighting and the like.

(B) Meter accuracy and periodic tests for accuracy shall be maintained in accordance with the rules and policies of the commission.

(C) When customer requests that meter accuracy be tested outside the normal time frame of utility's testing program, customer will be responsible for a charge per test of \$15 for a single-phase meter and \$30 for a three-phase meter, provided, however, that the first such accuracy test requested by customer within a 36 month period will be provided by utility free of charge.

(Ord. 43-02, passed 10-10-02)

§ 52.019 TAMPERING AND THEFT OF ELECTRIC SERVICE.

(A) Tampering, theft and unauthorized use of utility service are prohibited by I.C. 35-4-6. When found and/or reported, each case shall be investigated by the Meter Department for verification. Upon determination that tampering, theft or unauthorized use has occurred, the following procedures and corrective measures shall apply:

(1) Unauthorized use. Customer or their representative restores power after the meter has been disconnected for reasons described in § 52.011. An electric service charge of \$35 during normal business hours shall be billed to cover the labor and transportation costs to correct such unauthorized use. There may be additional charges for material.

(2) Theft. Customer or their representative has installed and/or used equipment and/or devices in order to circumvent the flow of electric current away from the meter and/or metering devices. Customer shall be liable for any and all labor, material, and transportation cost associated with the investigation, correction, disconnection and/or restoration of electric service to customer according to utility standard work order procedures. These work order costs shall be paid along with any outstanding balances owed the utility and the estimated energy and/or demand

charges for the time period the theft has occurred. The customer may also be responsible for the cost associated with collection of these monies, including but not limited to collection agency fees, court costs and attorney fees.

(a) First occurrence. Utility may restore service to customer upon receipt of payment in full commensurate with above.

(b) Second occurrence. Utility may deny service to customer.

(3) Tampering. When it has been determined that the proper operation, registration, programming or alignment of the meter has been tampered with, the customer shall be responsible to pay the utility all costs to adjust, repair, re-program or replace the meter as well as the energy and/or demand charges from the date of the tampering or 12 months, whichever is less.

(B) Charges resulting from division (1), above, shall be applied to the customer's account and shall be due and payable at customer's next scheduled payment date. Charges from division (2) and/or (3), above, shall be separately billed along with a statement explaining the nature of the charge. These bills are due upon receipt.

(Ord. 43-02, passed 10-10-02)

§ 52.020 CUSTOMER'S USE OF SERVICE - RESALE AND REDISTRIBUTION.

(A) Service shall be used by customer only for the purposes specified in the applicable agreement and in accordance with the applicable rate schedule, and no customer shall re-sell such service to a third party by sub-metering such service.

(B) As of April 2, 1980, service delivered to a new multi-unit building containing units that are separately rented, leased or owned shall be individually metered for each such occupied unit except for:

(1) Service used in hotels, motels and other, similar transient lodging.

(2) When customer proves the cost of purchasing and installing the wiring and equipment necessary for individual metering exceed the long-run benefits resulting from energy conservation and efficient utilization of facilities. In the event master metering is approved by utility, customer shall own all equipment necessary to take all service through one service connection.

(Ord. 43-02, passed 10-10-02)

§ 52.021 EXCLUSIVE SERVICE.

No other electrical service or source of supply shall be used by customer on the same premises in parallel or in conjunction with utility’s service either by means of a throw-over switch, or any other connection except under separate agreement specifically providing for reserve, auxiliary, breakdown, standby or co-generation service.

(Ord. 43-02, passed 10-10-02)

§ 52.022 TEMPORARY SERVICE.

(A) When in the opinion of utility the use of service will not be of permanent nature and is other than a routine service connection, customer may be required to pay:

(1) The cost of constructing the facilities to service customer, including labor, materials, stores freight and handling and overhead, plus

(2) The estimated cost of removing said facilities and returning same to utility storeroom, minus

(3) The estimated salvage value of material returned to utility storeroom.

(B) Service supplied to a temporary service connection will be billed under the applicable rate schedule.

(C) Customer may be required to make a deposit to ensure payment of the charges under the applicable rate schedule.

(Ord. 43-02, passed 10-10-02)

§ 52.023 SEASONAL USE OF POWER SERVICE.

Where the nature of customer’s business is seasonal and service is used for a limited period regularly each year, utility will furnish service to customer under the following provisions:

(A) Utility will furnish for the period required, in accordance with the rate schedule applicable to the type of service supplied, provided that customer shall pay the cost of connecting and disconnecting the service in accordance with the “job work order” procedure of utility.

(B) Only two connections and two disconnections shall be made in any calendar year and customer is required to submit a written application to utility specifying the period or periods of the year when service is required.

(Ord. 43-02, passed 10-10-02)

§ 52.024 POINT OF SERVICE CONNECTION FROM OVERHEAD DISTRIBUTION SYSTEM.

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

(B) A customer desiring an underground service connection shall make arrangements with the utility for the utility to install the service connection. If utility determines that underground service is feasible, customer shall enter into a agreement with utility providing for such underground service. Upon the execution of such agreement and upon payment by customer to utility for any additional costs incurred by utility in providing such service, utility shall proceed with the installation of the underground service.

(C) Any changes made in the service connection at the customer’s request after the original installation shall be at the customer’s expense.

(Ord. 43-02, passed 10-10-02)

§ 52.025 SERVICE CONNECTIONS FROM UNDERGROUND DISTRIBUTION SYSTEMS.

(A) Underground service is subject to special conditions and policies making it necessary to consult the utility before wiring or rewiring the premises. When underground service is supplied, the utility will designate the point at which the utility’s underground lines will be connected to the customer’s facilities.

(B) A residential customer desiring a new (first time) underground service connection shall make arrangements with the utility for the utility to install the service connection, as shown in the definitions, at no charge to the customer.

(C) For other underground service connections, and if utility determines that underground service is feasible, customer shall enter into an agreement with utility providing for such underground service. Upon the execution of such agreement and upon payment by customer to utility for any additional costs incurred by utility in providing such service, utility shall proceed with the installation of the Underground service.

(D) Any changes made in the service connection at the customer’s request, after the original installation, shall be at the customer’s expense. (Ord. 43-02, passed 10-10-02)

§ 52.026 CHARACTER OF SERVICE.

(A) *Availability.* The utility supplies different voltages and types of service in various locations. In all cases, the utility must be consulted regarding the character of service available at any particular location. Service to any intermittent or highly-fluctuating load must be reviewed and approved by the utility prior to the installation of such equipment.

(1) Available voltages and transformer size limits.

<i>Voltage</i>	<i>Transformer Size Limits</i>	<i>Service Availability</i>
Single-phase 120/240	167 KVA 250 KVA	O.H. U.G.
<i>Network & Designated Areas</i>		
Single-phase 120/208 3 Wire	50 KVA	O.H/U.G.

(2) Voltages listed below are not available at all locations. The utility must be consulted regarding their availability at any particular location. When customer’s load requirements are greater than the maximum listed below, the utility will supply additional facilities at the same location. The utility shall determine if such facilities are to be considered excess facilities.

<i>Voltage</i>	<i>Transformer Size Limits</i>	<i>Service Availability</i>
Three-phase 120/208 Volts Wye	750 KVA 500 KVA	U.G. O.H.
Three-phase 120/240 Volts 4 Wire Delta	1-167 KVA 2-100 KVA 500 KVA	O.H. U.G.
Three-phase 120/240 Volts 4 Wire Open Delta	1-75 KVA 1-50 KVA	O.H.
Three-phase 240 Volts Delta	500 KVA 750 KVA	O.H. U.G.
Three-phase 277/480 Volts Wye	2500 KVA 500 KVA	U.G. O.H.
Three-phase 480 Volts Wye	1500 KVA 500 KVA	U.G. O.H.

(B) *Single-phase.* Appliances or devices with a rating of greater than 20 amps shall be connected at 240 volts. Single-phase motors up to but not exceeding five HP may be connected to a single-phase lighting service under the following conditions:

(1) Single-phase motors not in excess of one-half HP may be wound for 120 or 240 volts and may be operated from a lighting branch circuit.

(2) Single-phase motors over one-half HP to five HP inclusive must be wound for 240 volts, be connected across the 240-volt legs of a 120/240 volts three-wire service and be operated from a branch circuit separate from any lighting.

(3) Upon approval by the utility, single-phase service will be made available to a customer-supplied phase converter where system conditions permit and where the nameplate rating of the largest three-phase motor does not exceed 50 HP and where the combined nameplate ratings of all three-phase motors does not exceed 75 HP.

(4) Single-phase motors of ten HP and greater must have soft starts.

(C) *Three-phase.* The utility will supply three-phase service for power in accordance with the following general provisions:

(1) Installations having a motor load aggregating more than ten HP will ordinarily be supplied with polyphase service unless single-phase service is the only service available at the customer's premises.

(2) Installations having a motor load less than that described in (1) above may be supplied with polyphase service if such service can be justified by the utility based on availability of polyphase facilities, the customer's present and future loading requirements and other determinants.

(3) The utility may require the use of such starting or current limiting equipment as may in its opinion be necessary for use with any motor or apparatus to prevent undue disturbance, unbalance or

voltage fluctuations on its lines. Electric welders, x-ray devices and similar equipment usually require a separate power supply for satisfactory operation. The utility should be consulted in every case prior to the installation of such equipment.

(4) Electric furnaces and other heating devices shall be energized in such a manner that the utility's system will not experience undue disturbances, unbalances or other voltage fluctuations.

(5) Three-phase motors of 40 HP or greater must have soft starts.

(D) *Service at primary distribution line voltages.* Voltages listed below are not available at all locations:

(1) Three-phase 2400/ 4160 Volts Wye

(2) Three-phase 7620/13200 Volts Wye

(3) The utility Engineering Department must be consulted in each case relative to service availability and transformer size limits.

(E) *Service at transmission line voltages.* Customers may be supplied at the following voltages as determined and specified by the utility:

(1) Three-phase 34.5 KV.

(2) Three-phase 69 KV (when available).

(3) The utility Engineering Department must be consulted in each case relative to service availability and transformer size limits.

(Ord. 43-02, passed 10-10-02)

§ 52.027 EXCESS FACILITIES.

(A) The utility will normally install in accordance with the provisions of the applicable rate schedule and this chapter the facilities required to supply service to the customer at one point of delivery through one meter or metering installation at one delivery voltage and, where necessary, through one transformation.

(B) In the event that the customer requests from the utility facilities hereinafter referred to as “excess facilities” which are in addition to or in substitution for the standard facilities which the utility will normally install, the utility will provide and install such excess facilities under the following condition:

(1) The type, extent and location of such excess facilities shall be mutually agreed to by the utility and the customer.

(2) Such excess facilities shall be and remain the property of the utility.

(3) The customer shall agree to pay the utility a monthly excess facilities charge equal to 1% of the estimated installed cost of the excess facilities.

(4) In the case where the requested facilities are to be substituted for rather than in addition to the facilities normally installed by the utility, the monthly excess facilities charge shall be equal to 1% of the excess cost of the facilities actually installed over the cost of normal facilities.

(5) In the event that the excess facilities are abandoned prior to the term of the agreement from the date service is first supplied from such excess facilities, the customer will pay to the utility the total cost of installing such excess facilities plus the cost of removal less the estimated salvage.

(6) Where such excess facilities are later used in place of serving other customers of the utility, the monthly excess facilities charge shall be adjusted to that portion of the excess facilities charge which is reasonably assignable to the customer.
(Ord. 43-02, passed 10-10-02)

§ 52.028 ENERGY AUDIT.

When made available, the charge for the Energy Audit will be on a per “Work Order” basis.
(Ord. 43-02, passed 10-10-02)

§ 52.029 FIBER OPTIC CABLE AND WIRELESS SERVICE USER FEES.

(A) (1) Fiber optic cable is available for lease from Anderson Municipal Light & Power inside the boundaries of its assigned service area. The single mode fiber optic cable will be terminated at the customers site(s). The fiber to be leased is lit. A one-year minimum service contract is required depending on construction costs.

(2) The user fees for point-to-point, lit fiber optic cable are as follows:

<i>Government Rate</i>	
Point-to point up to 10 Meg	\$50 per month
Point-to-point up to 100 Meg	\$200 per month
<i>Business Rate</i>	
Point-to-point up to 10 Meg	\$150 per month
Point-to-point up to 100 Meg	\$200 per month
Point to Internet Service Provider (ISP) 10 Meg	\$150 per month
Point to Internet Service Provider (ISP) 100 Meg	\$300 per month

(B) (1) Fiber optic cable is available for lease from Anderson Municipal Light & Power inside the boundaries of its assigned service area. Single mode fiber optic cable (two strands) will be terminated at the customer’s site(s). The fiber to be leased is dark, and the customer will need to provide its own equipment to light the fiber. A one to three year minimum lease is required depending on construction costs.

(2) The user fees for point-to-point, two-strand fiber optic cable are as follows:

(a) For leases of less than five miles point-to-point:

1. First mile, two strands, per mile, per month (one mile minimum): \$120 per month;

2. Each additional mile: \$60 per month.

(b) For leases more than five miles point-to-point, two strands, per mile, per month: \$60 per month.

(C) In addition to the above listed user fees, the customer must pay the utility’s actual cost for any necessary construction and installation.

(Ord. 58-05, passed 6-9-05; Am. Ord. 37-07, passed 6-14-07; Am. Ord. 10-11, passed 2-10-11)

§ 52.030 NET ENERGY METERING.

(A) The findings and determinations set forth in the preambles to this section are hereby made findings and determinations of the Council.

(B) The city encourages interested citizens and businesses to invest in renewable electric energy generation systems and enter into a Net Metering arrangement with the municipal electric utility of the city.

(C) **ELIGIBLE NET METERING CUSTOMERS** include residential, commercial and industrial customers in good standing that own and operate a solar, wind, biomass, geothermal or hydroelectric generating facility that:

(1) Has a nameplate capacity less than or equal to ten kilowatts (kW);

(2) Is located on the customer’s premises and is operated by the customer; and

(3) Is used primarily to offset all or part of the customer’s own electricity requirements.

(D) The Council authorizes the utility to offer net metering to eligible net metering customers on a first come, first served basis. The utility shall limit the aggregate amount of net metering facility nameplate capacity from all eligible net metering customers to 0.1% of the utility’s most recent summer peak load.

(E) The utility shall measure the difference between the amount of energy delivered by the utility to the eligible net metering customer and the amount of energy generated by the eligible net metering customer and delivered to the utility. If the eligible net metering customer generates more energy than it consumes in a month, the customer shall receive a bill credit from the utility for the amount of surplus energy generated. The utility shall not purchase wheel power produced by an eligible net metering customer’s facilities.

(F) The “net metering tariff” shall be adopted as the terms and conditions under which the utility will offer net metering to eligible net metering customers. Upon adoption by the Council of the city, the net metering tariff shall be filed with and become effective upon approval by the Indiana Utility Regulatory Commission.

(G) In accordance with the terms of the net metering tariff, the utility shall enter into an interconnection agreement with the eligible net metering customer, which incorporates technical interconnection requirements and does not conflict with this section before the net metering facility may be interconnected with the utility’s system.

(Ord. 36-09, passed 9-10-09)

RESIDENTIAL SERVICE

§ 52.101 AVAILABILITY OF SERVICE.

Residential electric service shall be available through one meter to individual residential customers

in an individual residence or apartment and for single-phase farm service when supplied through the farm residence meter.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.102 CHARACTER OF SERVICE.

Single-phase alternating current, 60 Hertz, at one standard secondary voltage of 120 volt 2 wire, 120/208 volt 3 wire, or 120/240 volt 3 wire as designated by the utility.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.103 RATE.

The rate shall be subject to the provisions added herein as Appendix A and B.

Customer Charge (per month)	\$10
Energy Charge (\$/kWh):	
First 500 kWh	\$0.102340
All kWh above 500 kWh	\$0.081920

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 42-02, passed 10-10-02; Am. Ord. 27-03, passed 6-12-03; Am. Ord. 83-07, passed 12-13-07; Am. Ord. 26-12, passed 12-13-12)

§ 52.104 MINIMUM CHARGE.

The minimum monthly charge shall be the customer charge.
 (Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.105 SPECIAL TERMS AND CONDITIONS.

This rate schedule is available for single phase service only. Where three-phase service is required and/or where motors or heating equipment are used for commercial or industrial purposes, the applicable rate schedules will apply to such service.
 (Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

GENERAL SERVICE

§ 52.115 AVAILABILITY OF SERVICE.

Electric service shall be available through one meter for light and/or power purposes.
 (Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.116 CHARACTER OF SERVICE.

Standard single phase and/or polyphase alternating current, 60 Hertz, at one standard voltage from 120 to 480 volts or at a higher standard utility voltage if available and requested by customer. Utility will indicate the voltage and type of service available and appropriate for the customer's requirements.
 (Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.117 RATE.

The rate shall be subject to the provisions included herein as Appendix A and B.

Single Phase Service

Customer Charge (per month):	\$13.50
Energy Charge (\$/kWh):	
First 1,000 kWh	\$0.099480
All kWh above 1,000 kWh	\$0.083840

Three Phase Service

Customer Charge (per month):	\$30
Energy Charge (\$/kWh):	
First 2,000 kWh	\$0.101350
All kWh above 2,000 kWh	\$0.088090

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 42-02, passed 10-10-02; Am. Ord. 27-03, passed 6-12-03; Am. Ord. 83-07, passed 12-13-07; Am. Ord. 26-12, passed 12-13-12)

§ 52.118 MINIMUM CHARGE.

The minimum monthly charge shall be the customer charge.
 (Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.119 TERM.

A minimum term of service may be required for service under this rate schedule.
 (Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

SMALL POWER**§ 52.125 AVAILABILITY OF SERVICE.**

Electric power service shall be available through one meter to any customer where 3-phase service is required.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.126 CHARACTER OF SERVICE.

Three-phase alternating current, 60 Hertz, at one standard utility voltage from 120 to 480 volts or at a higher standard voltage if available and requested by customer. Utility will indicate the voltage and type of service available and appropriate for the customer's requirements.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.127 RATE.

The rate shall be subject to the provisions included herein as Appendix A and B.

Customer Charge (per month)	\$50
Demand Charge (\$/kW)	\$12.610
Energy Charge (\$/kWh)	
First 200 hours use	\$0.049990
All over 200 hours use	\$0.048140

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 42-02, passed 10-10-02; Am. Ord. 27-03, passed 6-12-03; Am. Ord. 83-07, passed 12-13-07; Am. Ord. 26-12, passed 12-13-12)

§ 52.128 MINIMUM CHARGE.

The minimum monthly charge shall be the customer charge plus the maximum load charge.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.129 DETERMINATION OF MAXIMUM LOAD AND MEASUREMENT OF ENERGY.

(A) Billing maximum load in KW shall be taken each month as the highest registration in kilowatts during the month by a 15-minute integrating or thermal type demand meter or indicator. Energy will be measured by suitable integrating instruments.

(B) For billing purposes the billing maximum load shall be the greater of the maximum load occurring during the month or 20 KW.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.130 TERM.

A minimum term of service may be required for service under this rate schedule.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

LARGE POWER**§ 52.135 AVAILABILITY OF SERVICE.**

Service shall be made available to any customer where 3-phase service is required. Applicant must be located adjacent to a transmission or distribution line

having adequate capacity for the customer's requirements.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.136 RATE.

The rate shall be subject to the provisions included herein as Appendix A and B.

Customer Charge (per month)	\$143.41
Maximum Load Charge (\$/kVA)	\$17.222
Energy Charge (\$/kWh)	\$0.034200
Equipment Ownership Discount	\$ (0.29)
Primary Metering Discount	-2%

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 42-2, passed 10-10-02; Am. Ord. 27-03, passed 6-12-03; Am. Ord. 83-07, passed 12-13-07; Am. Ord. 26-12, passed 12-13-12)

§ 52.137 MINIMUM CHARGE.

The minimum monthly charge shall be the maximum load charge.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.138 DETERMINATION OF MAXIMUM LOAD AND MEASUREMENT OF ENERGY.

(A) Billing maximum load in KVA shall be taken each month as the highest registration in kilowatts during the month by a 15-minute integrating or thermal type demand meter or indicator divided by the average lagging power factor established during the month corrected to the nearest KVA. Energy will be measured by suitable integrating instruments.

(B) For billing purposes the billing maximum load shall be the greater of the maximum load occurring during the month or 100 KVA.

(C) Bills computed under this rate schedule will be modified by credits as follows:

(1) Delivery Voltage. When the measurement of energy is made at the primary voltage of the transmission or distribution line used to supply the customer, the maximum load and energy charges will be multiplied by 0.98.

(2) Equipment Supplied by Customer. When customer furnishes and maintains the complete substation equipment including any and all transformers, switches and/or other apparatus necessary to take his or her entire service at the primary voltage of the transmission or distribution line from which service is received, a credit of \$0.29 per KVA of billing maximum load will be applied to each billing.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.139 OFF-PEAK SERVICE.

(A) Those customers with a maximum load of not less than 500 KVA may be served on the basis that their main use of their service will be during the following off-peak periods:

(1) Off-peak periods shall be all hours between 9:00 P.M. and 9:00 A.M., local time, Monday through Friday, and all hours of the day on Saturdays, Sundays and legal holidays.

(2) Legal holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(B) For billing purposes, the billing maximum load shall be the greater of:

(1) The maximum load occurring during the on-peak periods of the month;

(2) Forty-nine and ninety-five hundredths percent (49.95%) of the maximum load occurring during the off-peak periods of the month;

(3) Five Hundred (500) KVA.

Customer Charge (per month)	\$143.41
Maximum Load Charge (\$/kVA)	\$17.222
Energy Charge (\$/kWh)	\$0.03420
Primary metering Discount	-2%
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03; Am. Ord. 26-12, passed 12-13-12)	

§ 52.140 TERM OF SERVICE.

Service arrangements under this rate schedule will be made for an initial term of not less than one year with a longer term if specified in a contract between the customer and the utility.
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.141 SPECIAL TERMS AND CONDITIONS.

Service under this rate schedule normally will be supplied through one metering installation. Where customer is served from two delivery points to the same plant or location at primary or transmission voltage, the meter readings may be totalized for billing.
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

CONSTANT LOAD**§ 52.155 AVAILABILITY OF SERVICE.**

Service shall be made available to customers with loads of a constant demand and operating at uniform load factor.
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.156 CHARACTER OF SERVICE.

Single phase alternating current, 60 Hertz, at one standard secondary voltage of 120 volt 2 wire, 120/208 volt 3 wire, or 120/240 volt 3 wire as designated by the utility.
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.157 RATE.

The rate shall be subject to provisions included herein as Appendix A and B.

Customer Charge (per month)	\$13.200
Energy Charge (\$/kWh)	\$0.055940
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 42-02, passed 10-10-02; Am. Ord. 27-03, passed 6-12-03; Am. Ord. 83-07, passed 12-13-07; Am. Ord. 26-12, passed 12-13-12)	

§ 52.158 MINIMUM CHARGE.

The minimum monthly charge shall be the customer charge.
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.159 DETERMINATION OF ENERGY.

Connected load as determined in wattage input by the utility shall be totaled, multiplied by average monthly hours use and billed at the above rate.
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.160 SPECIAL TERMS AND CONDITIONS.

(A) The customer shall furnish and install all equipment except one span of overhead conductors to

take service under this rate schedule with utility inspection and approval. Any change in load or location shall be approved in writing by the utility. If the utility must install new facilities or relocate existing facilities for the customer to take service under this rate schedule, the customer will pay in advance the cost of all such work.

(B) Service will be available under this rate schedule for the operation of CATV distribution line power supply equipment and traffic signals. For purposes of billing, each customer's determined energy at each location will be totaled for service under this rate schedule.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

MUNICIPAL STREET LIGHTING

§ 52.165 AVAILABILITY OF SERVICE.

Service shall be made available to the city for lighting on streets and highways for all street lighting installations prior to the date of the Order in IURC Cause No. 42317.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.166 CHARACTER OF SERVICE.

Single phase alternating current, 60 Hertz, at any standard utility voltage as designated by the utility.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.167 RATE.

The rate shall be subject to the provisions included herein as Appendix A and B.

Fixed Fees (monthly)

Ornamental Fixture and Pole

100 watt sodium vapor	\$21.50
150 watt sodium vapor	\$17.25
250 watt sodium vapor	\$19.25
400 watt sodium vapor	\$20.50
175 watt mercury vapor	\$28.75
175 watt metal halide	\$29.25
250 watt metal halide	\$22.25
400 watt metal halide	\$13.50

Fixture on Existing Utility Pole

100 watt sodium vapor	\$4.75
150 watt sodium vapor	\$4.80
250 watt sodium vapor	\$6.00
400 watt sodium vapor	\$6.75

Special Decorative Lighting

And. Univ. - 117 W LED*	\$18.00
And. Univ. - 117 W LED**	\$38.00
Meridian St. - 117 W LED	\$29.00
Martin L. King - 400 W HPS	\$12.50
Hoosier Park - 400 W MH	\$7.50

Energy Charge

All lights (\$/kWh)	\$0.049500
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(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 42-02, passed 10-10-02; Am. Ord. 27-03, passed 6-12-03; Am. Ord. 83-07, passed 12-13-07; Am. Ord. 26-12, passed 12-13-12)

§ 52.168 HOURS OF SERVICE.

Service under this rate schedule is available only during the hours each day between sunset and sunrise. Daytime use of energy will be made for the sole purpose of testing and maintaining the system.

(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.169 INSTALLATION AFTER THE DATE OF ORDER.

For all street light installations after the date of the Order, the applicable rate for each such new installation will be determined on the basis of the size and type of lamp, the type of standard and the type of service whether overhead or underground.
(Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

OUTDOOR LIGHTING

§ 52.175 AVAILABILITY OF SERVICE.

Available for continuous year round service for outdoor lighting to any customer located adjacent to an electric distribution line of utility that is adequate and suitable for supplying the service requested.
(Ord. 24-90, passed 4-12-90; Am. Res. 25-90, passed 12-3-90; Am. Ord. 95-90, passed 1-10-91; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.176 CHARACTER OF SERVICE.

Dusk to dawn outdoor lighting service using lamps available under this rate schedule, when mounted on an existing utility pole and including one span of secondary conductors.
(Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03).

§ 52.177 RATE.

(A) The rate shall be subject to the provisions included herein as Appendix A and B.

Fixed Fees (monthly)	
175 watt mercury vapor	\$4.50
250 watt metal halide	\$11.90
400 watt metal halide	\$11.65

Fixed Fees (Cont'd)

60 watt LED	\$14.99
1,000 watt mercury vapor	\$15.00
100 watt sodium vapor	\$13.00
150 watt sodium vapor	\$6.60
250 watt sodium vapor	\$6.15
400 watt sodium vapor	\$8.85

Wood Pole Charge \$2.50

Energy Charge

All lights (\$/kWh) \$0.049500

(B) When facilities not provided for in the above charges are required for installation of lamp, Customer will pay in advance of installation the cost of such facilities required to supply service from the most suitable existing pole of utility to the point designated by customer for the installation of lamp.

(Ord. 24-90, passed 4-12-90; Am. Res. 25-90, passed 12-3-90; Am. Ord. 95-90, passed 1-10-91; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 42-02, passed 10-10-02; Am. Ord. 27-03, passed 6-12-03; Am. Ord. 83-07, passed 12-13-07; Am. Ord. 26-12, passed 12-13-12)

§ 52.178 HOURS OF LIGHTING.

All lamps shall burn nominally one-half hour after sunset until one-half hour before sunrise each day in the year, approximately 4,000 hours per annum.

(Ord. 24-90, passed 4-12-90; Am. Res. 25-90, passed 12-3-90, Am. Ord. 95-90, passed 1-10-91; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.179 OWNERSHIP OF SYSTEM.

All facilities installed by the utility for service under this rate schedule including fixtures, controls, poles, transformers, secondary lines, lamps and other appurtenances shall be owned and maintained by utility. All service and necessary maintenance will be

performed only during scheduled working hours of the utility. Non-operative lamps will normally be restored to service within two working days after notification by the customer.

(Ord. 24-90, passed 4-12-90; Am. Res. 25-90, passed 12-3-90; Am. Ord. 95-90, passed 1-10-91; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.180 CONTRACTS.

A contract with an initial minimum term of one year for service on existing poles and three years for service where new poles must be set will be required for service under this rate schedule. Longer contracts may be required where taller than normal poles must be installed or when poles must be set by hand and other special installation requirements.

(Ord. 24-90, passed 4-12-90; Am. Res. 25-90, passed 12-3-90; Am. Ord. 95-90, passed 1-10-91; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

§ 52.181 SPECIAL TERMS AND CONDITIONS.

When customer requests that a lamp be mounted on customer's pole or a pole be installed on customer's property, the customer shall waive any claim for damages caused by the installation and/or removal of lamp or pole.

(Ord. 24-90, passed 4-12-90; Am. Res. 25-90, passed 12-3-90; Am. Ord. 95-90, passed 1-10-91; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98; Am. Ord. 27-03, passed 6-12-03)

APPENDIX A: RATE ADJUSTMENTS

Section

1. Rate adjustments

§ 1. RATE ADJUSTMENTS.

The rate adjustment 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 Indiana Utility Regulatory Commission, approved December 13, 1989 in Cause No. 36835-S3 as follows:

Rate Adjustments applicable to the below listed rate schedules are as follows:

Residential Service (RS)	\$(0.002119) per KWH
General Service (GS)	
Single Phase	\$(0.001102) per KWH
Three Phase	\$ 0.000585 per KWH
Small Power (SP)	\$(1.883916) per KW
	\$(0.000635) per KWH
Large Power (LP)	\$(0.006359) per KVA
	\$(0.000702) per KWH
Large Power (LP)	\$ 0.557257 per KVA
(Off-Peak)	\$(0.000726) per KWH
Constant Load (CL)	\$(0.000271) per KWH
Municipal Street	
Lighting (SL)	\$(0.000160) per KWH
Outdoor Lighting (OL)	\$(0.001061) per KWH
(Ord. 24-90, passed 4-12-90; Am. Ord. 36-98, passed 7-9-98; Am. Ord. 61-98, passed 9-10-98)	

APPENDIX B: NON-RECURRING CHARGES

<i>Description of charges</i>	<i>Amount</i>
(A) Service deposit	One-sixth customer's expected annual bill
(B) Bad check charge	\$25.00
(C) Reconnection/disconnection charge*	
(1) Standard reconnection during regular hours	\$30.00
(2) Standard reconnection during overtime hours	\$75.00
(3) Reconnection where service must be disconnected at a location other than meter during regular hours	\$75.00
(4) Reconnection where service must be disconnected at a location other than meter during overtime hours	\$150.00
(D) Service call (restoration of service where customer is at fault)*	
(1) Standard restoration during regular hours	\$35.00
(2) Standard restoration during overtime hours	\$75.00
(E) Unauthorized use, tampering, and theft of utility service*	
(1) Correction of unauthorized use	\$35.00

<i>Description of charges</i>	<i>Amount</i>
(2) Meter tampering	Cost to adjust, repair, reprogram or replace meter, plus energy and demand charges from the date of tampering or 12 months, whichever is less.
(3) Theft	Costs associated with investigation, correction, disconnection and/or restoration of service, plus energy and demand charges from the date of theft.
(F) Meter test	
(1) Every three years	Free
(2) Single-phase meter more frequently than three years	\$15.00
(3) Three-phase meter more frequently than three years	\$30.00
(G) Penalty for late payment	6% of net bill
(H) Credit agreement fee	10% of arrears amount or \$20, whichever is less

*Subject to adjustment as per "General Terms and Conditions for Electric Service"
 (Ord. 24-90, passed 4-12-90; Am. Ord. 24-94, passed 4-15-94; Am. Ord. 43-02, passed 10-10-02)

CHAPTER 53: COMMUNITY UTILITY ASSISTANCE FUND

Section

53.01 Established

§ 53.01 ESTABLISHED.

(A) The city establishes the Community Utility Assistance Fund (hereinafter referred to as fund).

(B) The fund shall consist of voluntary contributions to be solicited from utility customers through their regular monthly billings. The funds shall be held by the office of the City Controller for the city for the express and sole purpose of providing utility emergency relief under the terms specified herein; and may not revert to the Anderson Municipal Utilities, the city, or be applied for any other purpose.

(C) The Salvation Army is designated as the coordinating agency to administer the fund. The Salvation Army shall establish guidelines for eligibility and shall further establish equitable procedures to receive, process, and approve applications from those utility customers in need of assistance.

(D) Implementation of this program shall be accomplished through the cooperative efforts of the Anderson Municipal Utilities, Salvation Army, and the office of the City Controller for the city.

(Ord. 82-82, passed 11-3-82)

CHAPTER 54: STORM WATER DRAINAGE

Section

General Provisions

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- 54.003 Regulatory authority
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- 54.90 Erosion control plan requirements
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- 54.100 Watercourse and drain protection

Anderson - Public Works***Prohibited Discharges and Illicit Connection
Elimination***

- 54.110 Building storm water management
- 54.111 Prohibited discharges
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GENERAL PROVISIONS**§ 54.001 TITLE.**

This chapter shall be known and may be referred to as the “Storm Water Drainage Ordinance, City of Anderson, Indiana” and shall hereafter be referred to as “this chapter.”

(Ord. 6-05, passed 3-10-05)

§ 54.002 PURPOSE.

(A) This chapter establishes standards for the planning and design of drainage systems and storm water control facilities within the jurisdictional area of the city. The purpose of this chapter is to control storm water drainage facilities, grading, excavation,

clearing, and other alterations of land in order to limit the dangers of personal injury or property damage that may be caused by storm water runoff.

(B) This chapter also establishes standards to reduce non-point source pollutant loads to Waters of the State located within the jurisdiction of the city to the maximum extent practicable in order to protect public health and safety and enhance water quality.

(C) It is recognized that smaller streams and drainage channels serving the city may not have sufficient capacity to receive and convey storm water runoff, as land changes from agricultural or open use to a more urbanized use. It is further recognized that deposits of sediment from developments during and after construction activities can reduce capacities of storm water drainage systems and result in damages to receiving waters. With this chapter, the city has a policy that storage and controlled release of storm water runoff will be required of all new development, redevelopment and other construction in the city’s jurisdiction.

(Ord. 6-05, passed 3-10-05)

§ 54.003 REGULATORY AUTHORITY.

This chapter regulates:

(A) Storm water drainage improvements related to development or redevelopment of lands located within the jurisdiction of the city.

(B) Erosion and sediment control systems installed during new construction or redevelopment and grading of lots and other parcels of land.

(C) The design, construction, and maintenance of storm water drainage facilities and systems.

(D) Prohibited discharges to the city municipal storm sewer system or Waters of the State.

(E) Illicit connection discharge detection and elimination requirements and procedures.
(Ord. 6-05, passed 3-10-05)

§ 54.004 APPLICATION AND EXEMPTIONS.

(A) No individual, partnership, or corporation shall undertake or accomplish any land alteration of more than one foot in grade change without having in force a written Drainage Permit obtained from the City Engineer. The Drainage Permit must be obtained before any work is initiated, with the exception of activities outlined in this chapter.

(B) In order to obtain a Drainage Permit, the applicant must be an individual, partnership, corporation, or other entity that will be responsible for accomplishing the land alteration for which the permit was issued. Application for Drainage Permits shall be made to the City Department of Engineering. The application shall be in writing in a form prescribed by the City Engineer.

(C) No individual, partnership, or corporation shall undertake or accomplish any connection to the municipal storm sewer system within the city’s jurisdiction without having in force a written Storm Sewer Connection Permit obtained from and approved by the City Engineer. Application for a Storm Sewer Connection Permit shall be made on a form provided for that purpose. An applicant for a Storm Sewer Connection Permit shall also be subject to the City Storm Water Availability fee. A Storm Sewer Connection Permit shall not be issued until all applicable fees are paid in full. After the work has been done, the individual securing the permit shall file in the City Engineer’s Office an accurate statement of the work completed under the permit.

(D) The following activities are exempt from this chapter:

- (1) Excavation of cemetery graves;

- (2) Excavation for wells, excavation and backfill for poles, conduits, and wires of utility companies;

- (3) Exploratory excavation or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects, or land surveyors, which are properly backfilled;

- (4) Ordinary cultivation of agricultural land, including tilling, terracing, construction of minor open ditches, and crop irrigation;

- (5) The planting and tilling of gardens, flower beds, shrubs, trees, and other common uses and minor landscaping of land appurtenant to residences;

- (6) Fill and grading of a basement after demolition of a structure, to conform with adjacent terrain;

- (7) Fill of small holes caused by erosion, settling of earth, or the removal of such materials as dead trees, posts, or concrete;

- (8) Maintenance of drainage facilities;

- (9) Installation of septic systems, when a proper permit has been obtained;

- (10) Construction of a driveway, when a proper permit has been obtained;

- (11) Installation of building sewers and laterals, when a proper permit has been obtained; and

- (12) Construction of a deck or room addition, when a proper permit has been obtained.
(Ord. 6-05, passed 3-10-05)

§ 54.005 DEFINITIONS.

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

AGRICULTURAL LAND USE. Use of land for the production of animal or plant life including forestry, pasturing or yarding livestock and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

APPLICANT. An individual, partnership, corporation or other entity that applies for a permit to accomplish land alteration within the corporate limits of the city.

BEST MANAGEMENT PRACTICE (BMP). Design, construction, and maintenance practices and criteria for storm water control or drainage facilities that minimize the impact of storm water runoff rates and volumes, prevent erosion, and capture pollutants.

CITY. The City of Anderson.

CITY ENGINEER. The Anderson City Engineer or his/her authorized representative; or the Storm Water Department Superintendent, if the Superintendent is a registered professional engineer licensed in the State of Indiana or his/her authorized representative.

CHANNEL. A natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water with a defined bed and banks.

CONTIGUOUS. Adjoining and/or in actual contact with.

CONTROLLED DISCHARGE. Storm water flow with a designed controlled release rate from a detention area.

COMBINED SEWER. A sewer intended to receive domestic sewage, treated or weak industrial wastes, and surface and storm water.

CULVERT. A circular, elliptical, arched or other enclosed geometric conduit used for the passage of surface drainage water under a roadway, railroad, walkway, driveway, etc.

DETENTION. The storage and controlled release of storm water following a precipitation event by means of an excavated pond, enclosed depression, tank or pipe.

DETENTION BASIN. A facility constructed or modified to restrict the runoff of storm water to a prescribed rate, and/or to detain excess waters that accumulate upstream from the outlet.

DEVELOPMENT. Means any of the following activities:

- (1) Structural development, including construction of a new building or other structure;
- (2) Expansion or alteration of an existing structure that results in an increase in the footprint of the building or structure;
- (3) Land alteration activities;
- (4) Creation or expansion of impervious surface;
- (5) Demolition activities.

DEVELOPER. An individual, partnership, corporation or entity that develops real estate, especially by preparing a site for residential or non-single family land use.

DIRECT DISCHARGE. Unimpeded storm water flow.

DRAINAGE FACILITIES. All ditches, channels, conduits, retention-detention systems, tiles, swales, storm sewers, flood control structures and other natural or manmade means of draining or conveying storm water.

DRAINAGE PERMIT. A permit required by the city to assure compliance with this chapter and related ordinances, rules and regulations.

DRAINAGE REQUIREMENTS. Minimum drainage standards established by the provisions of

this chapter; regulations promulgated by the City Engineer; obligations and requirements relating to drainage established under this chapter; requirements stated under this chapter including floodway zoning requirements; obligations and requirements relating to drainage established under the Drainage Board of Madison County, Indiana; conditions relating to drainage attached to a grant of variance by the City Engineer.

DRY BOTTOM DETENTION BASIN. A basin designed to be completely dewatered after having provided its planned detention of runoff during a storm event.

EASEMENT. A grant by a property owner for the use of a strip of land by the public, a corporation, or other entity for a specific purpose or purposes.

EQUIVALENT RESIDENTIAL UNIT (ERU). One ERU is equal to the average amount of impervious area found on a typical single-family residential parcel, which is 2,500 square feet. Therefore, one ERU equals 2,500 square feet of impervious area.

EROSION. The detachment and movement of soil, silt, sediment or rock fragments by water, wind, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN. A written description and drawings of pertinent information concerning erosion and sediment control measure designed to meet the requirements of this chapter.

FARM OR FIELD TILE. A subsurface pipe installed in an agricultural or previously agricultural area to allow drainage of farmland.

FLOOD. An overflow of water onto lands not normally covered by water.

FLOOD ELEVATION. The maximum level of high water for a flood of a given return period and rainfall duration.

FLOOD HAZARD AREA. Any floodplain, floodway, floodway fringe, or any combination which is subject to inundation by the regulatory flood; or any floodplain as delineated by Zone A on the current Flood Hazard Boundary Map (FHBM), Flood Insurance Rating Map (FIRM) or Conversion Letters produced by the Federal Emergency Management Agency.

FLOODPLAIN. A normally dry land adjoining the river or stream that has been or may be covered by floodwater (It consists of both the floodway and floodway fringe).

FLOODWAY. That portion of the floodplain that acts as a flow channel conveying flood waters.

FLOODWAY FRINGE. That portion of the floodplain lying outside the floodway that is inundated by the regulatory flood.

FOOTING DRAIN. A drainpipe installed along and adjacent to basement walls, foundations or crawl spaces to prevent water from entering a basement or crawl space.

FUEL DISPENSING FACILITY. Any area where vehicles, equipment, or tanks are refueled on the premises; whether a large-sized gas station, a single-pump maintenance yard, or a small-sized fuel tank. A fuel dispensing facility is defined as the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers including fuel islands, above- or below-ground fuel tanks, fuel pumps, and the surrounding pad.

GRADIENT. The inclination grade or slope of a channel, conduit or natural ground surface expressed as a ratio of the vertical rise or fall to the corresponding horizontal distance.

ILLICIT CONNECTION.

(1) Any pipe, hose, drain or any other similar structure, whether surface or subsurface, that allows a prohibited discharge to enter the municipal

storm sewer system regardless of whether the connection had been previously allowed, permitted or otherwise approved by a government agency in the past or;

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City Engineer.

IMPACT AREAS. Areas defined by the City Engineer which are unlikely to be easily drained because of one or more factors including but not limited to any of the following: soil type; topography; land where there is not an adequate outlet; a floodway or floodplain; land within 75 feet of each top of bank of a legal drain or within 75 feet of the centerline of any legal tile drain; and/or within the recorded easement of a legal drain.

IMPERVIOUS AREA. Area within developed land that prevents or significantly impedes the infiltration of storm water into the soil. Included in this definition are areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.

IMPROVEMENT LOCATION PERMIT. A permit for meeting all applicable improvement ordinances and rules such as zoning, set-back requirements, utilities, green space requirements, drainage, erection procedures, construction specifications, enlargement or moving of a building or structure, etc.

INDIVIDUAL. An individual, as well as, a firm, association, organization, partnership, trust, company, corporation, or other legal entity.

INLET or STORM SEWER INLET. An opening into a storm sewer system or drainage facility for the entrance of surface storm water runoff.

JUNCTION CHAMBER. Structure used to combine the flow from one or more conduits into a main conduit.

LAND ALTERATION. Any man-made change of the land surface of more than one foot in grade including: removing vegetative cover; excavating, filling, transporting or grading of soil; paving; increasing the runoff rate; changing the elevation; decreasing, increasing or changing drainage pattern; involving construction, enlargement, or location of any building on permanent foundation; or creating impoundments. (It includes any activity requiring a permit, but does not include agricultural land uses.)

LEGAL DRAIN. A drain, either an open channel or closed tile/sewer, subject to the provisions of Indiana Drainage Code, I.C. 36-9-27.

LOT. A tract, plot or parcel.

MAINTENANCE. Cleaning out of, spraying, removing obstructions from, and making minor repairs in a drainage facility so it will perform the function for which it was designed and constructed.

MANHOLE. Storm or sanitary sewer structure through which a person may enter to gain access to a sewer or enclosed structure. (A manhole may also be an inlet for the storm sewer system.)

MAY. A permissive requirement.

MUNICIPAL STORM SEWER SYSTEM. A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, legal drains under the city's jurisdiction and the combined sewer system designed or used for collecting or conveying storm water, which is owned or operated by the city.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant

to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-POINT SOURCE. Non-point source water pollution is water pollution originating from diffuse, nondiscrete sources that are not regulated as point sources by the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) program. Non-point source water pollution generally results from land runoff, percolation, atmospheric deposition, hydrologic modification, or precipitation.

NON-SINGLE FAMILY RESIDENTIAL LAND USE. Use of land for commercial, manufacturing, industrial, wholesale, retail sale of goods or services, or any other non-single family residential land use.

OUTFALL. The point or location where storm water runoff discharges from a sewer, channel or detention facility into a body of water.

OWNER OR PROPERTY OWNER. The individual who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser thereof.

PEAK FLOW. The maximum rate of flow of water at a given point in a channel or conduit resulting from a specified storm or flood of a given return period or duration.

PERIMETER DRAIN. A tile drain around an absorption field or surrounding an area with the express purpose of lowering the water table to a specified/different elevation.

POINT SOURCE. Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PUBLICLY OWNED TREATMENT WORKS (POTW). Any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to the wastewater treatment plant, which are owned by a unit of government. The term also means the government entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

PROHIBITED DISCHARGE. Any direct or indirect non-storm water discharge to the municipal storm sewer system, except as exempted in §§ 54.110 *et. seq.*

RAINFALL INTENSITY. The rate of rainfall expressed as the amount of rain occurring within a given duration, normally expressed in inches per hour.

REACH. A specified length of river, channel or conduit.

RECORD DRAWING. "As Built Plans"; final revised drawings submitted to show the construction of the site or work as actually completed.

REDEVELOPMENT. Any construction, alteration or improvement that does not result in an

increase in the existing footprint of the building, structure or impervious area located on the property.

REGULATED AREA. All of the land under the jurisdiction of the City Engineer.

REGULATORY FLOOD. A flood with a probability of occurrence of 1% in any given year, which is commonly referred to as a “one hundred year flood” as calculated by a method and procedure that is acceptable to the City Engineer. (If a permit for construction in the floodway is required by the Indiana Department of Natural Resources, the regulatory peak discharge shall be calculated by the method and procedure acceptable to the City Engineer and the Indiana Department of Natural Resources.)

REGULATORY FLOODWAY. The channel of a river or stream and the portion of the floodplain adjoining the channel required to carry and discharge the peak flow of the regulatory flood of any river or stream.

RELEASE RATE. The amount of water released from a storm water control facility per unit of time.

RETENTION. A storm water storage facility without a defined/constructed discharge point.

RETURN PERIOD. The average interval of time within which a given rainfall event will be equaled or exceeded once. (A flood having a return period of one hundred years has a 1% probability of being equaled or exceeded in any one year.)

RIGHT-OF-WAY. An area of land appropriated for public use as a street, highway, driveway, alley or walkway or for any drainage or public utility purpose or other similar use.

RUNOFF. The portion of precipitation such as rainfall, snow melts, or irrigation water that flows over or under the ground surface and arrives at the point of consideration as surface water.

SEDIMENT. Material of soil or rock origin that is transported, carried, or deposited by water.

SEDIMENTATION. The process that deposits soils, debris and other materials either on ground surfaces or in bodies of water or watercourses.

SHALL. A mandatory requirement.

SHOULD. A preferred requirement.

SHOW NO IMPACT. Documentation proving that a proposed improvement causes no effect on existing facilities.

SINGLE FAMILY AREA LAND USE. A land use designation equal in size to or for developing a single family housing unit.

SITE. The entire area included in the legal description of the land on which a land disturbing activity is proposed in the permit application.

SPILLWAY. A waterway in or about a hydraulic structure for the escape of excess water.

STILLING BASIN. A structure used to dissipate the energy and/or velocity of flowing water, and to help enhance sedimentation.

STORAGE DURATION. The length of time water may be stored in any storm water control facility.

STORM SEWER. A conduit for conveying collected storm water.

STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER CONTROL FACILITY. Any natural or man-made structure, system or area used for the purpose of storing, controlling the rate of flow or treating storm water.

STORM WATER DRAINAGE SYSTEM. All means, natural or man-made, used for conveying storm water to, through or from a drainage area.

SUBSURFACE DRAIN. A tile drain installed for lowering the groundwater table. See also Perimeter Drain.

SUMP PUMP. Any type of pump used to remove liquid from a basement, cellar, crawl space or any other below grade structure or area.

UNDEVELOPED. Area in pre-developed and natural (wooded or grassed) condition.

URBANIZATION. The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

VALLEY STORAGE. Temporary storage of flood/storm water within stream banks or side slopes of a channel.

WATER OF THE STATE. Accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state, but the term does not include any private pond, or any pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge therefrom causes or threatens to cause water pollution.

WATERCOURSE. Any natural or man-made drainageway having a defined channel and banks and into which storm water runoff or floodwaters flow either regularly or intermittently.

WATERSHED. Drainage area.

WET BOTTOM DETENTION BASIN/RETENTION BASIN. A basin designed to retain a permanent pool of water with additional capacity to detain and release excess runoff.

WETLAND. An area which has hydric soils, that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions. (Wetlands generally include swamps, marshes, bogs, and similar areas.)

WORK. Any development, land alteration, or site preparation activities. This includes activities associated with the installation of any erosion and sediment control or storm water control BMPs. (Ord. 6-05, passed 3-10-05)

§ 54.006 CONFLICTING ORDINANCES.

The provisions of this chapter shall be deemed as additional requirements to standards required by Madison County, State of Indiana, federal regulations and city ordinances. In the case of conflicting requirements, the most restrictive shall apply. (Ord. 6-05, passed 3-10-05)

§ 54.007 STORM WATER CONTROL POLICY.

(A) It is recognized that storm sewer system structures, streams and drainage channels serving the drainage needs of the city may not have sufficient capacity to receive and convey storm water runoff resulting from continued development. All drainage in a developed area must be confined and maintained on site through perimeter structures or appurtenances including swales and inlets, detention or retention storage basins to the extent as described in §§ 54.060 *et seq.*

(B) The developer shall submit to the City Engineer detailed computations of runoff based on pre-development and post-development conditions that demonstrate that runoff will not be increased as per requirements in §§ 54.060 *et seq.* (Ord. 6-05, passed 3-10-05)

§ 54.008 DETERMINATION OF DRAINAGE IMPACT AREAS.

The City Engineer may classify certain geographical areas as Drainage Impact Areas, and enact and promulgate regulations to assure safety and health of residents in these areas. In determining Drainage Impact Areas, the City Engineer may consider such factors as topography, soil type, and carrying capacity of existing regulated drains and distance from adequate drainage facilities. The following areas may be designated as Drainage Impact Areas:

(A) A Flood Zone, Floodway or Floodway Fringe as designated by the Federal Emergency Management Agency's (FEMA's) current maps;

(B) Land with inadequate storm water outlet and or detention capacity as determined by the City Engineer.

(C) Areas served by the city combined sewer system.

(D) Areas not engineered by a professional engineer that are subject to ponding.
(Ord. 6-05, passed 3-10-05; Am. Ord. 66-06, passed 9-14-06)

DRAINAGE PERMIT APPLICATION PROCESS

§ 54.020 APPLICATION FOR DRAINAGE PERMIT.

To obtain a Drainage Permit, an application shall be made and submitted to the City Engineer. The application shall be in writing in a form prescribed by the City Engineer. A Drainage Permit will be issued if the following criteria are met:

(A) The drainage plan reflects compliance with the general drainage standards for the city.

(B) The application and supporting information have been properly prepared and submitted in

accordance with provisions of this chapter and all applicable ordinances.

(C) Proof of all performance and maintenance guarantees required by the City Engineer have been submitted to the City Engineering Office.

(D) Covenants and declarations have been executed, if required by the City Engineer.

(E) Easements have been dedicated, if required by the City Engineer.

(F) All applicable Drainage Permit, Storm Water Availability, and Storm Water Connection fees have been paid in full.

(G) All other applicable permits shall be obtained prior to issuance of a City Drainage Permit (ex. INDOT, U.S. Army Corp of Engineers, IDEM, IDNR, Madison County Drainage Board) and a certification statement attesting to this is included with the Drainage Permit application.

(H) A Drainage Permit shall be valid for a period of two years from the issue date. If a Drainage Permit expires a new permit application shall be required and all Drainage Permit review fees shall be paid.
(Ord. 6-05, passed 3-10-05)

§ 54.021 FEES.

(A) The minimum Drainage Permit review fee is \$50. The fee for all developments greater than one acre is \$50 per acre for each review by the City Engineer.

(B) The minimum Storm Water Availability fee is \$100. The fee for all developments greater than one acre is \$100 per acre for the proposed development.

(C) The minimum Storm Water Connection fee is \$50. The fee for all developments with impervious

surface(s) greater than one Equivalent Residential Unit (1 ERU = 2500 ft²) is \$50 per ERU for the proposed development.

(D) Drainage Permit fees, Storm Water Availability fees, and Storm Water Connection fees shall be collected by the City Engineer. All collected Drainage and Storm Water fees shall be deposited into the Storm Water Utility.

(E) All Drainage Permit fees, Storm Water Availability fees, and Storm Water Connection fees shall be paid in full prior to issuance of a Drainage Permit.

(F) No work shall commence on a site until a Drainage Permit is obtained from the City Engineer. (Ord. 6-05, passed 3-10-05)

§ 54.022 PLAN SUBMITTAL AND REVIEW PROCESS.

(A) Local drainage review shall be typically accomplished as follows: a detailed drainage plan, including the submittal of all required drainage calculations, shall be submitted prior to or with the primary plat. In addition to the information required by the platting process, other information shall be required, as noted in this section.

(B) In the case where the site has already been platted, but the development plan approval has not been granted, the drainage review process shall be completed in conjunction with the site development plan application.

(C) Prior to initiation of any land alteration, applicants shall follow specific guidelines and submit to the City Engineer development plans for review and approval as described below.

(D) Table 2-1 illustrates the standard information submission process for applicants including all required plan submittals.

(E) Plan review shall be completed within 14 days of submittal. A written response shall be forwarded to the developer/owner by mail.

Table 2-1 Standard Information Submission Process for Developers	
1.	Drainage Plan Submittal
A.	Drainage Plan Requirements
	i. Title Sheet
	ii. Existing Site Conditions
	iii. Proposed Site Conditions
	iv. Erosion Control Plan
	v. Storm Sewer Plan and Profile
	vi. Standard Detail Sheets
	vii. Calculation of Square Footage of Pervious and Impervious Area
	viii. Easement Dedication Documents
	ix. Performance Guarantees
B.	Technical Information Report
C.	Other Required Information
2.	Provide Post-Construction Submittal
A.	Record Drawings
B.	Maintenance Guarantees

(Ord. 6-05, passed 3-10-05)

§ 54.023 DETAILED DESIGN DRAINAGE PLAN.

(A) The detailed drainage plan shall be incorporated into the primary plat, as part of the

construction drawings, or with a final site development plan.

(B) All final development and construction plans shall be submitted bearing the seal and signature of a Licensed Professional Engineer, Licensed Architect or Licensed Surveyor. All sheets shall be 24 inches x 36 inches size drawn to scale at a minimum one inch equals 50 feet and a maximum one inch equals ten feet with the exception of the vicinity map on the title sheet, unless otherwise approved by the City Engineer. The drainage component of the final construction plans shall be incorporated into the following sheets.

(C) Two hard copy sets and an electronic copy of the Detailed Design Drainage Plan compatible with AutoCad or ESRI ArcView/ArcInfo software or other software application approved by the City Engineer shall be submitted.

(D) Plans submitted for review shall observe the following format:

(1) Title sheet. The following information shall be submitted as part of the title sheet:

- (a) Name of the project.
- (b) Name and address of the owner, developer, and individual who prepared the plans.
- (c) Boundary lines of adjacent tracts of land.
- (d) A key or vicinity map at a scale of one inch equals 400 feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located.
- (e) A statement of the proposed land uses, including a brief description of all residential and non-residential buildings, the types of proposed business(es) (residential, commercial or industrial) in order to reveal the effects of the project on traffic patterns, fire hazards, and congestion of population.

(2) Existing site conditions. The following information shall be submitted as part of the existing site conditions:

(a) Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing storm water facilities. Storm sewers, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. The plans shall include direction of flow, elevation of inverts, gradient, materials and size of existing storm drains.

(b) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and all other utility structures or facilities within, adjacent to, serving the subject land; including pipe sizes, grades, and locations as can best be obtained from public or private records.

(c) Existing contours based on U.S.G.S. data shall not exceed one foot. At least two benchmarks which are easily accessible and relocatable shall be shown. A statement of data used shall also be included.

(d) The water elevation shall be delineated and indicated on the plans from the date of the survey of lakes, streams, or designated wetlands within the project or affecting it. The plan shall also show the boundary of the regulatory flood (100-year flood) and the floodway fringe boundary.

(3) Proposed site conditions. The following information shall be submitted as part of the proposed site conditions:

(a) Location, widths, grades and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or

easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the city for the subject land.

(b) Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and all other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and locations as can best be obtained from public or private records.

(c) Building setback lines, showing dimensions.

(d) Full description and details, including engineering calculations, for provision of storm water drainage storage.

(e) Interior and perimeter sidewalk system/pedestrian circulation plan.

(f) Contours for proposed storm water storage facilities shall not exceed one foot. The plan shall also show the boundary for the floodway fringe boundary. Spot elevations will be satisfactory for other proposed improvements, unless otherwise directed by the City Engineer.

(4) Erosion Control Plan.

(a) Erosion and sediment control plans shall be approved by the City Engineer. The City Engineer may employ the Madison County Soil and Water Conservation District (MCSWCD) for plan review, site inspection or other related activities. The city may pay the MCSWCD fees for the aforementioned services in an amount and frequency mutually agreed upon by both parties.

(b) The Erosion Control Plan shall include the following statement: "All erosion control practices shall be in accordance with the latest edition of the *IDNR Indiana Handbook For Erosion Control*

In Developing Areas and the NRCS Field Office Technical Guide."

(c) The following information shall be submitted as part of the Erosion Control Plan. The Erosion Control Plan must comply with all current provisions of 327 I.A.C. 15-5, Storm Water Run-Off Associated with Construction Activity:

1. Location widths, grades and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the city for the subject land.

2. Proposed contours shall not exceed one foot.

3. Details of terrain and area drainage, including the identity and location of watercourses, intermittent and perennial streams, receiving waters, and springs, and the total acreage of land that will be disturbed.

4. A designated area for trash containment and/or receptacles with proper erosion and drainage control design.

5. The direction of drainage flow and the approximate grade of all existing or proposed streets.

6. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of, the proposed project, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainageway which may be affected by the proposed development, and the estimated runoff of the area served by the drainage facilities.

7. A description of the methods to be employed in disposing of soil and other material removed from the site, including the location of the disposal site.

8. Measures for soil erosion and sediment control which meet or exceed the methods and standards adopted by the Indiana Department of Natural Resources and/or set forth in the *Indiana Handbook For Erosion Control in Developing Areas* and which comply with the design principles, performance standards, and requirements set forth in this chapter.

9. A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including the total area of soil surface that is to be disturbed during each stage, the anticipated starting and completion dates, and a schedule for the maintenance of such measures.

10. Additional erosion control measures in the field as conditions warrant per discretion of the City Engineer and the MCSWCD.

(5) Plat-like dedication sheet. The following information shall be submitted as part of the plat, if a plat-like dedication document for easements and rights-of-way is deemed necessary by the City Engineer:

(a) Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, designated as such and clearly labeled on the plans;

(b) Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord bearings; and

(c) Accurate location of all survey monuments erected, corners and other points established in the field in their proper places.

(6) Storm sewer plan and profile.

(a) For all pipe intended to be dedicated to the city, a storm sewer plan and profile shall be submitted. For sections of pipe that will not be dedicated to the public, pipe and invert size, material and slope must be shown. The plan shall be shown on the upper portion of the drawing. The plan shall be drawn on a scale that is clear and legible and not greater than one inch equals 50 feet. The plan shall show appropriate right-of-way and easement limits. The profile shall be shown under the plan and shall extend a sufficient distance downstream of the outlet to show information pertinent to this chapter. For each pipe, the length, size, material and class shall be shown on the profile sheet near the dimension line.

(b) The storm sewer and inlet profile shall generally be drawn on a scale of one inch equals 50 feet horizontal and one inch equals five feet vertical. Where a storm sewer is located inside the limits of an existing or proposed pavement or shoulder, the centerline grade of the road shall be shown. Where a storm sewer is located outside pavement or shoulder, the existing ground over the storm sewer with proposed grading shall be shown. If the storm sewer is to be constructed on fill, the profile of the undisturbed earth, at the storm sewer location shall be shown. All utility locations at intersections with the storm sewer location shall be shown.

(7) Standard detail sheets. Standard detail sheets as approved by the City Engineer shall be included as part of the submittal.

(8) Technical information report.

(a) A completed technical information report is required as part of the drainage plan application. All reports shall be prepared by a Licensed Professional Engineer, Licensed Architect or Licensed Surveyor engaged in storm water drainage design. The technical information report shall contain the following information:

1. A written narrative describing the proposed drainage system and the results of the design, including a summarization of calculations and design recommendations for the collection system and the storm water pond (including primary and emergency spillways);

2. Existing site conditions, with specific problem areas identified during site inspections.

3. Downstream conditions/restrictions (with a justification for the level of downstream analyses performed).

(b) Design calculations are required as part of the storm water plan and shall, at a minimum, include:

1. Estimation of storm water runoff—hydrographs/peak runoff rates for all design storms as applicable per §§ 54.060 *et seq.*;

2. Drainage area calculations;

3. Area calculations in square feet of all pervious and impervious area for the proposed development;

4. Closed conduit and open channel design computations;

5. Size of pipe or channel cross-section;

6. Pipe or channel slopes in percent;

7. Pipe/channel material and roughness coefficient;

8. Design velocities for channels, pipes, and pond outfalls, in feet per second;

9. Design calculations for culvert pipes;

10. Design capacity of channels and pipes in cubic feet per second, capacity of the pond in acre-feet by pool elevation (stage-storage relationship);

11. Design of the pond’s outfall control structure, with stage-discharge relationship;

12. Computations of the routings of the design hydrographs through the proposed storm water pond, indicating the maximum routed pond discharge rate and the maximum routed 100-year pool elevation;

13. Design of the emergency spillway, including the routing of the 100-year storm through the pond with the primary spillway inoperative, and showing the maximum pool elevation and flow through the emergency spillway;

14. Information regarding the computer models used, including printouts and an identification of the pertinent output data; and

15. Summary of planned erosion control measures to be utilized.

(9) Required information.

(a) The City Engineer may require additional information to evaluate and determine the adequacy of the proposed storm water facility. The additional information may include, but is not limited to, written documentation of the following:

1. Utility encroachment approvals;

2. Madison County Drainage Board approval;

3. Other local, state and federal approvals, including other city departments;

4. Inspection and testing agreements with the City Engineer; and

5. Reviews by other consultants as required by the City Engineer.

6. Easements and rights-of-way not on a plat-like document shall be submitted in the form prescribed by the City Engineer and include both a full legal description and a drawing exhibit.

(b) The City Engineer may waive information requirements when he/she determines that it is not necessary for evaluating or determining the adequacy of the proposed storm water facility.
(Ord. 6-05, passed 3-10-05)

§ 54.024 DEVIATIONS FROM APPROVED PLANS.

Deviations from approved plans and specifications shall not be made after the City Engineer grants formal plan approval. Written application for deviation(s) from approved plans shall be filed with and approved by the City Engineer prior to implementation of the revision or change(s). Copies of the revisions or changes, if approved, shall be attached to the original plans and specifications.
(Ord. 6-05, passed 3-10-05)

§ 54.025 PERFORMANCE AND MAINTENANCE GUARANTEES.

(A) The city shall require the submittal of financial guarantees such as performance bonds, or irrevocable letters of credit for all drainage facilities, which will become property of the city. The principal shall be the owner of the affected land, the developer, or any other party, parties, or entity. The bond shall name the city as a party who can enforce the obligations thereunder. In the issuance of platting, the bond may be a part of the total bonding required by the City Engineer. The City Engineer may, as an alternative to the posting of the bond, accept other appropriate security, such as a properly conditioned irrevocable letter of credit, which meets the same

objectives as the performance bond described in this chapter, subject to the approval of any other department or agency whose interests are protected by the same bonding requirement.

(1) Submission of performance guarantees.

(a) Performance guarantees shall be required to cover total installed cost for storm sewer pipe, culvert, manhole, box inlet installation, site filling, grading, open drainage swales, and storm water storage facilities, which will become property of the city.

(b) Performance bonds shall be in the amount of 125% of the estimated total project cost.

(c) An erosion and sediment control guarantee shall be required in a minimum amount of \$10,000 for all costs associated with the implementation of sediment and erosion control measures.

(2) Release of performance guarantees.
Release of performance guarantees shall depend upon successful completion of the following:

(a) Within 30 days after completion of the construction and notification of the owner to the City Engineer, a final walkthrough and a thorough site inspection shall take place by the City Engineer or his/her representative, the project contractor and the owner's representative. The City Engineer or his/her representative will provide in writing a release stating satisfactory completion of the construction project.

(b) The owner shall submit to the City Engineer two final sets of "Record Drawings" that include proper certification by a Licensed Professional Engineer, Licensed Architect or Licensed Surveyor. In addition, the owner shall submit a final as built electronic version compatible with the city's AutoCad/GIS system.

(c) The owner shall submit a copy of all televised storm sewer inspections recorded on CD, DVD, or VHS videotape.

(d) The owner shall submit to the City Engineer a maintenance guarantee as described in this chapter.

(B) Maintenance guarantees. The owner, upon completion of a construction project, shall submit a maintenance guarantee. The maintenance guarantee shall cover a period of three years in the amount of 25% of the total project cost. The maintenance guarantee shall be in a form approved by the City Attorney. The maintenance guarantee shall address the city owned and operated storm water drainage systems.

(Ord. 6-05, passed 3-10-05)

§ 54.026 FINAL PLAN SUBMITTALS.

Final plan submittals shall be in both forms of hard copy and electronic copy compatible with the city's AutoCad or GIS system.

(Ord. 6-05, passed 3-10-05)

§ 54.027 RECORD DRAWINGS.

(A) As part of the final acceptance process, record drawings of the drainage facilities must be submitted to the City Engineer, as set forth herein, for all platted subdivisions. A Licensed Professional Engineer, Licensed Architect or Licensed Surveyor shall certify record drawings. Record drawings shall provide the following information:

- (1) Flow line elevations of the highpoint along yard swales;
- (2) Pipe size and pipe material;
- (3) Lengths of all pipe structures;

(4) Data regarding the storm water storage basin, including top of bank elevation, invert elevations of primary and emergency spillways, size and pipe material of primary spillway, emergency spillway shape and dimensions, and width of top of embankment;

(5) Structure invert, pipe invert, and top-of-casting elevations;

(6) Horizontal alignment of storm sewer pipes, culverts, streets and storm sewer structures;

(7) The horizontal location and/or bank cross-sections for all wet-bottom or dry-bottom storage facilities or other information sufficient to verify that the constructed storm water storage facility provides the required minimum runoff storage volume;

(8) Certified statement on plans stating the completed storm drainage system substantially complies with construction plans as approved by the City Engineer; and

(9) Other information that may be requested by the City Engineer.

(B) Record drawings shall be submitted as paper copies and electronic copies compatible with the city's AutoCad or GIS software format as approved by the City Engineer.

(C) Video recorded on VHS tapes, CDs, or DVDs of all clean storm sewer pipes shall also be submitted.

(Ord. 6-05, passed 3-10-05)

§ 54.028 INVESTIGATIONS AND INSPECTIONS.

(A) The power to make investigations and inspections of land alterations, private storm sewer systems, private storm water storage facilities, or any area associated with a land alteration project shall be

vested in the City Engineer, the City Building Commissioner, and their authorized representatives.

(B) Investigation and inspection of any land alteration, private storm sewer system or private storm water storage facility may be made at any time by going upon, around or about the premises on which the land alterations have occurred. Such investigation and inspection may be made either before, during, or after the land alteration is completed; and it may be made for the purposes, among others, of determining whether the land alteration meets drainage requirements, and ascertaining whether the land alteration has been accomplished in a manner consistent with plans and specifications.

(C) Efforts to afford an opportunity for investigation and inspection of the land alteration shall be made by individuals working on or having control of the land alteration, including making available a copy of plans and specifications submitted to obtain a Drainage Permit.

(Ord. 6-05, passed 3-10-05)

§ 54.029 STOP-WORK ORDER.

(A) Whenever the City Engineer or his/her authorized representatives discover the existence of any of the circumstances listed below, a stop-work order may be issued:

(1) The city has previously notified the owner of a problem at the site and the situation remains uncorrected;

(2) Land alteration is proceeding in an unsafe or unauthorized manner;

(3) Land alteration is occurring in violation of a drainage requirement; or

(4) Land alteration for which a Drainage Permit is required is proceeding without a Drainage Permit being in force.

(B) This sanction shall in no way limit the city from proceeding with other means of enforcement or collection of penalties as provided in this chapter. (Ord. 6-05, passed 3-10-05)

GENERAL STORM WATER DRAINAGE REQUIREMENTS

§ 54.040 CONSTRUCTION SITE REQUIREMENTS.

(A) The city may require developers and individuals to furnish copies of all necessary state certifications and construction plans for any land alteration activity within the city's jurisdiction.

(B) All excavations for construction or installation of private drainage facilities shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in accordance with the specifications and standards for storm drainage works of the city.

(C) For construction activities that are one acre or larger, the city shall require a Sedimentation and Erosion Control Plan in strict compliance with the provisions of this chapter and all current provisions of 327 I.A.C. 15-5, Storm Water Run-Off Associated with Construction Activity. The plan shall clearly indicate the construction sequence for establishment of all erosion and sedimentation control work, both temporary and permanent.

(D) Protection of adjacent properties. Adjacent properties, public rights-of-way or easements shall be protected from damage during grading operations and/or sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMP's. The applicant shall restore public improvements damaged by his/ her operations to the satisfaction of the City Engineer.

(E) Underground utility construction. The construction of underground utility lines shall be limited, where feasible, to no more than 500 feet of open trench at any one time. When consistent with the safety and space considerations, excavated material shall be placed on the uphill side of the trench. Dewatering devices shall discharge to an appropriate sediment trap or pond, preceded by adequate energy dissipation, prior to runoff leaving the site.

(F) All pollutants other than sediment that occur on-site during construction shall be handled and legally disposed of in a manner that does not cause contamination of surface waters. Pollutants of concern include, but are not limited to fuels, lubricants, solvents, concrete by-products and construction materials.

(G) Filling or disturbing of wetland areas. The applicant shall be responsible for obtaining and coordinating all required state or federal permits associated with the filling or disturbing of wetlands prior to conducting any construction activity that may result in any change in the physical or hydrological condition of wetland areas.

(H) All debris and trash must be contained on-site during construction. All garbage receptacles must have high sides or covers to prevent airborne transport of debris such as plastic and paper. In addition, hazardous materials used during the construction process must be stored and disposed of properly to ensure that they do not enter any drainage structure or Water of the State.

(I) The individual or firm responsible for the site development is responsible for removing or the cost of removing debris, trash and other hazardous material from drainage structures and Waters of the State.

(J) If deposition of any material from a construction site results in damage to the habitat or aquatic biota of a Water of the State the individual or firm responsible shall be responsible for all associated restoration cost.

(K) The city may require individuals, contractors, or developers to elevate structures being

constructed or substantially reconstructed in areas subject to flooding or ponding due to inadequate drainage or areas declared as drainage impact areas. (Ord. 6-05, passed 3-10-05; Am. Ord. 66-06, passed 9-14-06)

§ 54.041 CONNECTION OF PRIVATE DRAINAGE SYSTEMS TO THE MUNICIPAL STORM SEWER SYSTEM.

(A) The city shall have no responsibility for the maintenance and repair of privately owned storm sewer systems or storm water storage facilities. The city may require the owner of a privately owned storm water system or storm water storage facility to perform maintenance if the current condition of the system is: causing or contributing to a public health hazard, decreasing the storage capacity of a storm water storage facility, or causing or contributing degradation of an aquatic habitat or aquatic biota.

(B) No newly constructed drain shall cross the property of another private owner unless such private owner has granted an easement for the private drain and the easement has been duly recorded in the office of the County Recorder.

(C) All costs and expenses incident to the installation and connection of the private drain or storm sewer system shall be paid by the property owner. The owner shall indemnify the city for any loss or damage directly or indirectly occasioned by the construction or installation of the private drain or storm sewer system, including damages from back flow from the municipal storm sewer system.

(D) The connection or outlet of a private drain or storm sewer system into the public drainage system shall conform to city specifications and standards for storm sewer drainage works and must be approved by the City Engineer prior to construction of the connection.

(E) No unauthorized individual shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the office of the City Engineer.

inspected and approved by the City Engineer. In cases where a connection is made and concealed the city may cause the said connection to be excavated and exposed or the city may terminate the connection and require the responsible party to reimburse the department for its costs and expenses for excavation, exposure, termination, reconnection and restoration activities. This sanction shall in no way limit the city from proceeding with other means of enforcement or collection of penalties as provided in this chapter.

(G) No property owner shall change the storm water runoff pattern of their property in such a way that neighboring private properties or city properties are adversely affected. The City Engineer has no authority to require any property owner to make restitution for damages caused to a private property due to another property owner altering a surface water runoff pattern.

(Ord. 6-05, passed 3-10-05)

§ 54.042 PENALTY.

Individuals who fail to comply with these requirements may be subject to fines for each violation and other remedial actions authorized by the city.

(Ord. 6-05, passed 3-10-05)

STORM WATER RUNOFF CONTROL REQUIREMENTS

§ 54.050 DESIGN OF STORM WATER MANAGEMENT SYSTEMS.

The following storm water management practices should be reviewed in developing site storm water management plans in the following order:

(A) Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated

areas rather than to adjoining streets, storm sewers and ditches;

(B) Flow attenuation of storm water by use of open vegetated swales and natural depressions;

(C) Storm water wet detention facilities (including percolation facilities); and

(D) Other storm water management practices including but not limited to underground storage facilities.

(E) A combination of successive practices may be used to achieve applicable minimum control requirements per the City Engineer's approval. (Ord. 6-05, passed 3-10-05)

§ 54.051 POLLUTION CONTROL BEST MANAGEMENT PRACTICE REQUIREMENTS.

(A) The requirements in this section apply to all development or redevelopment where vehicles, equipment, or tanks are refueled on the premises; whether a large-sized gas station, a single-pump maintenance yard, or a small-sized fuel tank. A fuel dispensing facility is defined as the area where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers (including fuel islands, above- or below-ground fuel tanks, fuel pumps, and the surrounding pad). Propane tanks are exempt from these requirements.

(B) Requirements.

(1) Cover. The fuel dispensing area shall be covered with a permanent canopy, roof, or awning so precipitation cannot come in contact with the fueling activity area. Rainfall shall be directed from the cover to an approved storm water control.

(a) Covers ten feet high or less shall have a minimum overhang of three feet on each side. The overhang shall be measured relative to the

perimeter of the hydraulically isolated fueling activity area it is to cover.

(b) Covers higher than ten feet shall have a minimum overhang of five feet on each side. The overhang shall be measured relative to the perimeter of the hydraulically isolated fueling activity area it is to cover.

(2) Pavement. A paved fueling pad of asphalt or concrete shall be placed under and around the fueling activity area and shall meet all applicable building code requirements. Sizing of the paved area shall be adequate to cover the activity area, including placement and number of the vehicles or pieces of equipment to be fueled by each pump. Fuel pumps shall be located a minimum of seven feet from the edge of the fueling pad.

(3) Drainage. The paved area beneath the perimeter of the cover shall be hydraulically isolated through grading, berms, or drains. This will prevent uncontaminated storm water from running onto the area and carrying pollutants away. Drainage from the hydraulically isolated area shall be directed to an approved city sanitary sewer or authorized pretreatment facility. Surrounding runoff shall be directed away from the hydraulically isolated fueling pad to a storm water control that meets all storm water management requirements of this chapter and other applicable rules, regulations and laws.

(4) Installation of spill control manhole. A spill control manhole shall be installed on the discharge line of the fueling pad (before the domestic waste line tie-in). The tee section shall extend 18 inches below the outlet elevation, and 60 cubic feet of storage volume shall be provided below the outlet elevation for storage of oil, grease, and solids. The manhole shall be located on private property. For more information about spill control manholes contact the Pretreatment Section of the City Water Pollution Control Department.

(5) Installation of Shut Off Valves. Fueling pads require a valve downstream of the spill control manhole. Valves installed on sanitary sewer systems

shall be installed before the domestic waste line tie-in. These valves shall be kept closed, and opened only to allow incidental drainage activities that do not pose a threat or risk to the disposal point system. The valve shall be closed immediately after drainage activities are completed.

(6) Traffic pathways that surround fueling pads are considered high-use/high-risk areas and will require a valve on the storm drainage system. Valves installed on storm drainage systems shall be installed downstream of all applicable private stormwater quality facilities to accommodate spill containment. These valves shall be left open to facilitate stormwater flows during normal conditions, and immediately closed in the event of a spill.

(C) Per the discretion of the City Engineer, the city reserves the right to require existing fuel dispensing facilities, not undergoing redevelopment activities, to install pollution control measures as described in this chapter if it is determined that such facilities present an imminent risk to public health and safety or cause or contribute to a water quality violation in a Water of the State within or downstream of the city's jurisdiction.
(Ord. 6-05, passed 3-10-05)

§ 54.052 MAINTENANCE OF PRIVATE STORM WATER MANAGEMENT SYSTEMS.

(A) All storm water management facilities shall be designed to:

- (1) Minimize the need of maintenance; and
- (2) Provide access for maintenance purposes.

(B) The owner of any private drainage system shall maintain the site to prevent discharge of pollutants to the municipal storm sewer system or a Water of the State. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative covers, and

removal and proper disposal of debris from pipes and other storm sewer structures.
(Ord. 6-05, passed 3-10-05)

HYDROLOGY AND HYDRAULICS

§ 54.060 DETERMINATION OF RUNOFF QUANTITIES.

(A) All runoff generated on a project site shall be subject to the controlled release rate provisions as described in this section. Runoff from adjoining property that flows through the project site must also be addressed. Runoff for developed conditions shall be calculated under the assumption that the tributary drainage area is in its ultimate, fully developed condition.

(B) All drainage calculations included in a Drainage Permit application shall be prepared using one of the following methods:

- (1) Hydrologic Engineering Centers River Analysis System (HECRAS);
- (2) Interconnected Channel and Pond Routing Model (ICPR);
- (3) Technical Release No. 20 (TR-20); or
- (4) Technical Release No. 55 (TR-55).
(Ord. 6-05, passed 3-10-05)

§ 54.061 GENERAL DRAINAGE SYSTEM DESIGN STANDARDS.

(A) The drainage system shall be constructed and installed in accordance with plans and specifications approved by the City Engineer. All streets shall have a storm water drainage system consisting of curbs, gutters and storm sewers, unless an alternative design is approved by the City Engineer.

(B) Pre-development runoff rates.

(1) For all pre-development runoff rate calculations for new development and redevelopment a ground cover description that limits surface water runoff rates to at least the rate of an area that is covered in continuous meadow in good condition shall be used.

(2) For all pre-development runoff rate calculations that require the input of a soil type or description, the selected soil type(s) shall be assumed to be moderately well or well drained with at least a moderate rate of water transmission of 0.15 to 0.30 inches/hour.

(C) Storm water drainage structure design criteria. All storm water drainage structures must meet the minimum design criteria specified in Table 5-1.

Table 5-1 Minimum Storm Frequency Design Criteria	
Drainage Structure	Storm Frequency
Storm sewer pipes, gutters, swales and small channels	10-year
Inlets, catch basins and manholes	10-year
Streets and rights-of-way	25-year
Detention release to pipes leading to combined sewer systems	2-year based on pre-development conditions, or case by case as determined by the City Engineer
Detention release to separated storm sewer systems or Waters of the State	5-year based on pre-development conditions

Drainage Structure		Storm Frequency
Detention/retention storage of incoming surface water flow		50-year based on post-development conditions
Culverts	Local street	25-year
	Collector street	50-year
	Arterial street	100-year

(D) Storm sewer design specifications. All storm sewers shall conform to the design specifications and other requirements contained in this chapter and the most current editions of *Model Specifications for Water and Sewer Main Construction in Indiana*, or the *Storm Water Drainage Manual* by Christopher B. Burke or *INDOT Standards and Specifications*.

(E) Velocity. The minimum velocity of flow in a pipe shall not be less than two and one-half feet per second. The maximum allowable pipe velocity is eight feet per second.

(F) Minimum pipe size. The minimum pipe size of all storm sewers shall be 12 inches in diameter. The minimum pipe size for all underdrains shall be six inches in diameter.

(G) Grade. Storm sewer grade shall be such that, in general, a minimum of two feet of cover is maintained over the top of the pipe. Uniform slopes shall be maintained between inlets, manholes, and inlets to manholes. Final grade shall be set with full consideration of the capacity required, sedimentation problems, and other design parameters. Minimum and maximum slopes shall be those capable of producing velocities in the range of two and one-half to eight feet per second, respectively, when the storm sewer is flowing full.

(H) Alignment. Storm sewers shall be straight between manholes.

(I) Manholes. Manholes shall be installed to provide access to storm sewers for the purpose of inspection and maintenance. Manholes shall be provided at the following locations:

- (1) Where two or more storm sewers converge;
- (2) Where pipe size changes;
- (3) Where a change in horizontal alignment occurs;
- (4) Where a change in vertical grade occurs; and
- (5) At suitable intervals in straight sections of the storm sewer. The maximum distance between storm sewer manholes shall be 400 feet for pipes 12 inches through 24 inches and 500 feet for pipes larger than 24 inches.

(J) Inlets. Inlets or drainage structures shall be used to collect surface water through grated openings and convey it to storm sewers, channels or culverts. Inlet design and spacing shall be approved by the City Engineer; standard spacing shall not be more than 400 feet apart.

(K) Protection of embankment. Erosion protection shall be provided for the primary outlet so that the storm water storage facility embankment will be adequately protected.

(L) Outlet velocity. In those instances where the discharge velocity from the primary outlet or emergency spillway is excessive in the opinion of the City Engineer, energy dissipation may be required. In general, outlet velocities in excess of eight feet per second in earth/grassed channels are considered excessive.

(M) Sediment control. Sediment in runoff water shall be trapped by the use of such methods as debris basins and silt traps until the disturbed area is stabilized.

(Ord. 6-05, passed 3-10-05)

§ 54.062 STORM SEWER PIPE MATERIALS.

Acceptable pipe materials include RCP, PVC and HDPE. Class and strength of pipe materials shall depend on depth of cover and shall be subject to the City Engineer's approval.
(Ord. 6-05, passed 3-10-05)

§ 54.063 DITCH/SWALE DESIGN STANDARDS.

(A) Material. Materials acceptable for use as channel lining are grass, revetment riprap, concrete, pre-cast cement concrete riprap, grouted riprap, and gabions.

(B) Manning Equation. Ditch/swale design shall be based on the Manning Equation.

(C) Minimum size. The required channel cross-section and grade are determined by the design capacity, the material in which the channel is to be constructed, and the requirements for maintenance. A minimum depth may be required to provide adequate outlets for subsurface drains, tributary ditches or streams. The channel grade shall be such that the velocity in the channel is high enough to prevent siltation but low enough to prevent erosion. Velocities less than one and one-half feet per second shall be avoided because siltation will take place and ultimately reduce the channel cross-section. Developments through which the channel is to be constructed must be considered in design of the channel section.

(D) Side slopes. Side slopes for grass-lined channels shall be no steeper than three to one. Side slopes for rock riprap-lined channels shall be no steeper than two to one. Channels with vertical walls or with gabions may be constructed, with approval of the City Engineer.

(E) Drainage of vegetated waterways. Vegetated waterways that have less than 1% slope, are subject to low flows of long duration, or where wet conditions prevail shall be drained with an

underdrain or low flow structure. Lines may be outletted through a drop structure at the end of the waterway or through a standard tile outlet.

(F) Effects of channel improvements. Culverts and bridges which are modified or added as part of channel improvement projects shall be approved by the City Engineer, and have a minimum capacity based on storm frequencies as per Table 5-1 (§ 54.061).

(G) Disposition of spoil. Spoil material resulting from clearing, grubbing and channel excavation shall be removed from the site unless it is to be used as part of the approved grading plan. In no case shall spoil be deposited in a floodway. Excavated materials, when stored temporarily on-site, must be handled in accordance with this chapter and all applicable rules and regulations.
(Ord. 6-05, passed 3-10-05)

§ 54.064 STREET DRAINAGE.

Street drainage shall be divided to drain on both sides of the street; alternative drainage methods are subject to approval by the City Engineer.
(Ord. 6-05, passed 3-10-05)

§ 54.065 SPECIAL HYDRAULIC STRUCTURES.

Detailed specifications of special hydraulic structures, including but limited to junction chambers, drop manholes, inverted siphons, stilling basins, etc. shall be included with the Drainage Permit application and subject to approval by the City Engineer.
(Ord. 6-05, passed 3-10-05)

§ 54.066 STORM WATER DETENTION SYSTEMS.

(A) All storm water detention structures shall be constructed to temporarily store storm water runoff and release stored runoff in accordance with the specifications detailed in Table 5-1 (§ 54.061).

(B) The City Engineer may waive requirements for storm water detention for development properties that are adjacent to and have direct discharge to White River, Little Killibuck Creek or Killbuck Creek, with supported calculations indicating no onsite flooding. However, such developments shall submit to the City Engineer approvable designs for: (1) erosion control of outfalls; and (2) structural and nonstructural Best Management Practices (BMP's). Consideration shall be made to the potential impacts on the Water Quality of the receiving stream.

(C) The following criteria shall direct the design of all storm water detention systems:

(1) Acceptable storage methods. Increased rates and volumes of storm water runoff resulting from a proposed development shall be detained on-site through the use of an appropriate storm water detention system. When a storm water detention system is utilized to comply with city drainage requirements, retention of storm water shall not be allowed to occur within any swales, ditches, streams, creeks and other drainage ways.

(2) Allowable release rate.

(a) The allowable release rate of storm water discharging from a proposed development shall not exceed the pre-development storm water release rate for a storm event of a specified frequency. The allowable release rates to the municipal storm sewer system or a Water of the State are specified in Table 5-1 (§ 54.061).

(b) In the event the downstream storm sewer or receiving stream is inadequate to accommodate the release rate specified in Table 5-1 (§ 54.061), the allowable release rate shall be reduced to a rate determined by the capacity of the receiving downstream channel or storm sewer system, and additional storage volume, to be determined by the City Engineer, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or waterways.

(c) Drainage system emergency overflow or spillway design. Drainage overflow or

spillway systems shall have adequate capacity to convey the storm water runoff from all upstream tributary areas through the development for a storm with a statistically based 100-year return period based on the post development condition of the upstream tributary land area.

(D) Detention system specifications and configurations.

(1) Outlet control structures shall be designed to operate as simply as possible and shall require little or no maintenance or attention for proper operation. The structures should be designed to allow easy access from the embankment to remove trash and debris from the outlet structure.

(2) The overflow facility shall be of such design that its operation is automatic and does not require manual attention.

(3) Grass or other vegetative cover approved by the City Engineer shall be planted throughout the entire detention basin area.

(4) Debris and trash removal and other necessary maintenance shall be performed regularly by the designated body (e.g., owner, developer or homeowner's association) to insure continued operation in conformance with the design specifications.

(5) All storm water detention facilities shall be located in a drainage/utility easement.

(6) Dry bottom detention facilities must include an underdrain to drain the bottom of the storm water detention facility. In addition, the bottom of the facility shall be designed to have a longitudinal slope of 1% and traverse grade to the outlet, so the facility will empty, leaving no ponded water.

(7) Outlets shall include properly designed grates to keep trash and debris out of the drainage system.

(Ord. 6-05, passed 3-10-05)

§ 54.067 RETENTION DESIGN REQUIREMENTS.

(A) A storm water retention basin may be designed to hold a continuous pool of water for aesthetic purposes. A storm water storage facility may include both detention and retention, in which cases all provisions of detention systems shall apply.

(B) The following conditions shall apply to all systems designed to hold a continuous pool of water:

(1) Operation, maintenance and ownership of retention systems shall be the sole responsibility of the designated body;

(2) If fish are to be maintained in the pond, a minimum depth of approximately ten feet shall be maintained over at least 25% of the pond area;

(3) If fish are not to be maintained, the minimum permanent water level depth shall be eight feet over at least 25% of the pond or where a limiting layer prevents excavation to that depth, a minimum of six feet over at least 50% of the pond area shall be required;

(4) In excavated ponds, the underwater side slopes in the pond shall be designed and constructed in a manner to insure their stability;

(5) A safety ledge a minimum of six feet in width at a ten to one (10:1) slope is required and must be installed in all ponds approximately 30 inches below the permanent water level;

(6) Erosion control measures must be installed to prevent erosion from wave action and wet-dry cycles;

(7) Outlets shall include properly designed grates to keep trash and debris out of the drainage system; and

(8) Shall be located in a drainage or utility easement.

(Ord. 6-05, passed 3-10-05)

§ 54.068 PAVED PARKING LOT STORAGE.

Paved parking lots may be designed to provide temporary storage of storm water on all or a portion of their surfaces, up to a maximum depth of six inches. Outlets shall be designed to empty the stored waters slowly. Ponding should be confined to those positions of the parking lots farthest from the area served. Ponding areas shall not conflict with handicapped parking and access routes.

(Ord. 6-05, passed 3-10-05)

§ 54.069 FACILITY FINANCIAL RESPONSIBILITY.

The construction cost of all storm sewer and storm water control structures shall be the responsibility of the owner and/or developer.

(Ord. 6-05, passed 3-10-05)

§ 54.070 DEDICATION OF STORM WATER SYSTEMS.

After construction, storm water facilities may be dedicated to the city, as long as they lie within rights-of-way or designated easements and the city is willing to accept the proposed easements and associated structures.

(Ord. 6-05, passed 3-10-05)

§ 54.071 INSTALLATION OF TEMPORARY AND PERMANENT EROSION CONTROL SYSTEMS.

Temporary erosion control measures shall be installed prior to initiation of construction and during the course of site development. Perimeter and entrance/exit erosion facilities are required prior to the start of any site work. Basins should be designed to collect sediment and debris at specific locations.

(Ord. 6-05, passed 3-10-05)

§ 54.072 STORM WATER STORAGE FACILITIES IN FLOODWAY.

No construction is allowed within a floodway unless all required permits are obtained from all applicable regulatory agencies; at this time the applicant may apply for a City Drainage Permit. (Ord. 6-05, passed 3-10-05)

§ 54.073 OFF-SITE DRAINAGE PROVISIONS.

When the allowable runoff is released in an area that is susceptible to flooding, the developer may be required to construct appropriate storm sewers through the area to avert increased flood hazard caused by the release of allowable runoff at a single discharge location, instead of through the natural flow path. (Ord. 6-05, passed 3-10-05)

§ 54.074 SUBSURFACE DRAINAGE.

Subsurface drainage shall be provided in areas having high water table and shall be sufficient to intercept seepage that would: (1) affect earth slope stability or stability of building foundations; or (2) create undesirable wetness. (Ord. 6-05, passed 3-10-05)

§ 54.075 BLOCKING DRAINAGEWAYS.

No excavations or fills shall block or otherwise impede the free drainage of surface water in a drainage swale or channel. (Ord. 6-05, passed 3-10-05)

§ 54.076 DRIVEWAY CULVERTS.

Driveways that must cross over swales or ditches shall be constructed only within public rights-of-way or easements with appropriate sized culverts or other approved structures. (Ord. 6-05, passed 3-10-05)

SOIL EROSION AND SEDIMENTATION CONTROL

§ 54.090 EROSION CONTROL PLAN REQUIREMENTS.

An Erosion Control Plan shall be required for all developments required to obtain a Drainage Permit from the City Engineer. The Erosion Control Plan shall include all information described in §§ 54.020 *et seq.* and shall be in compliance with all requirements in 327 I.A.C. 15-5. All erosion control practices shall be in accordance with the latest edition of the *IDNR Indiana Handbook For Erosion Control In Developing Areas* and the *NRCS Field Office Technical Guide*. (Ord. 6-05, passed 3-10-05)

§ 54.091 EROSION AND SEDIMENTATION CONTROL REQUIREMENTS.

(A) All individuals who cause, in whole or in part, any land alteration to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited into adjacent properties or into a storm water drainage system, a public street or right-of-way, floodplain, body of water or watercourse.

(B) During any land alteration, which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other individuals causing or participating in the land alteration activity shall do the following:

(1) Comply with provisions of this chapter, and the requirements of all applicable county, state and federal rules and regulations;

(2) Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment;

(3) Prevent damage to or impairment of any receiving water on or near the location of the land alteration or affected thereby;

(4) Prevent damage to adjacent or nearby land;

(5) Apply for all required approvals or permits prior to the commencement of work;

(6) Proceed with the proposed work only in accordance with approved plans and permits in compliance with this chapter;

(7) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this chapter;

(8) Promptly remove all soil, sediment, debris or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil, sediment, debris or other materials within 24 hours shall be considered to be in compliance with this requirement, unless such materials present an immediate hazard to public health and safety; and

(9) Developers shall not conduct any land alteration activities at locations adjacent to any of the following: public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such adjacent properties.

(C) Sediment control measures must be properly installed by the developer before construction activity begins. Control measures may be adjusted during dry weather to accommodate short-term activities, such as activities that require the passage of large vehicles or equipment.

(D) Sedimentation basins must have a minimum surface area equal to at least 1% of the area draining

to basin, and be constructed in accordance with accepted design specifications including access for assessment and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel.

(E) The applicant shall install erosion and sediment controls at locations directed or per final approval by the City Engineer. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce the potential of sediment introduction into any water channel. Silt fences, rock check dams, etc. must be regularly inspected and maintained.

(F) Sufficient silt fence shall be required to intercept all overland flow runoff generated at an individual site, until it can either infiltrate or seep through the silt fence pores.

(G) Dewatering control measures shall discharge into an appropriate sized and designed sediment trap or pond.

(H) All temporary and permanent erosion and sediment control BMP's shall be maintained in a manner to insure continued performance of their intended function. The owner/developer shall be responsible for insuring that any erosion and sediment control measures damaged during floods or other adverse weather conditions are returned to normal operating condition as soon as possible.

(I) Removal of temporary BMP's. All temporary erosion and sediment control BMP's shall be removed within 30 days after final site stabilization is achieved. The removal of temporary erosion and sediment control BMP's may not be required for those projects, such as single-family plats, that will be followed by additional construction under a different permit. In these circumstances, the need for removing or retaining the measures will be evaluated on a site-specific basis by the City Engineer.

(J) Changes in site topography. The maximum surface gradient on any artificially created slope shall

be two feet of horizontal run to one of vertical fall (2:1). This gradient may be increased if it can be demonstrated through engineering calculations to be stable.

(K) At all times, the contractor shall have sufficient materials, equipment and labor on-site to stabilize and prevent erosion from all denuded areas within 12 hours as site and weather conditions dictate.

(L) Water removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.

(M) All erosion and sediment control BMP's shall be constructed and functional before any land alteration activities occur.

(N) Cut and fill slopes shall be constructed in a manner that will minimize erosion.

(O) Whenever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment onto the paved road by use of appropriate BMP's such as a stabilized construction entrance. At a minimum, temporary rock construction entrances shall be required whenever vehicles enter and exit a site. If sediment is transported onto a road surface, the road shall be thoroughly cleaned. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(P) For soil stockpiles, the toe of the pile must be more than 25 feet from all roads, drainage channels or storm water inlets. If such stockpiles will be left for more than 14 days, they must be stabilized with mulch, vegetation or suitable covers. If left for less than 14 days, erosion from stockpiles must be controlled with silt fences or rock check dams.

(Q) If for any reason a soil stockpile of any size is located closer than 25 feet from a road, drainage channel or storm sewer inlet, and will be left for more than seven days, it must be stabilized with mulch, vegetation, or suitable covers.

(R) All storm drain inlets made operable during construction shall be protected so storm water runoff shall not enter the conveyance system without first being filtered or otherwise treated with silt fence or an equivalent barrier designed to remove sediment.

(S) All temporary on-site conveyance channels shall be designed, constructed and stabilized to prevent erosion from the expected flow velocity from a two-year frequency, 24-hour duration storm for the post-development condition. Stabilization adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems.

(T) The City Engineer or designated representative has the authority to inspect all construction activities to ensure that owners/developers comply with this chapter and all applicable county, state and federal regulations.

(U) During construction, the individual or firm responsible for the site development is responsible for maintenance of erosion and sedimentation control devices in compliance with this chapter.
(Ord. 6-05, passed 3-10-05)

WATERCOURSE AND DRAIN PROTECTION

§ 54.100 WATERCOURSE AND DRAIN PROTECTION.

(A) Any individual owning property through which a watercourse passes, or such individual's lessee, shall keep and maintain the part of watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute,

contaminate, or significantly retard the flow of water through the watercourse.

(B) The property owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from the property.

(C) (1) Easements intended for periodic or occasional use to convey the flow of surface water runoff shall be maintained in an unobstructed condition by the owners of the properties they cross. When specified as a restrictive covenant, the City Engineer shall have the right to determine if any obstruction exists and to repair and maintain, or require such repair and maintenance by the property owner if the owner is deemed responsible for the obstruction, as shall be necessary to maintain proper operation of the drain.

(2) It shall be unlawful for any individual to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, or drainage way without first submitting a drainage plan to the city in accordance with the provisions of this chapter.

(D) No filling, blocking, fencing or planting of vegetation shall take place within a floodway without obtaining all required permits from all agencies with jurisdiction over such activity.

(E) Shrubs, trees or other vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

(Ord. 6-05, passed 3-10-05)

PROHIBITED DISCHARGES AND ILLICIT CONNECTION ELIMINATION

§ 54.110 BUILDING STORM WATER MANAGEMENT.

(A) Downspouts and roof drains. All newly constructed and existing single family residential home downspouts or roof drains shall discharge no closer to the street than 48 inches from the building setback line. In no case shall any downspout or roof drain from any property be connected to a sanitary sewer. In no case shall a single family residential home downspout or roof drain be connected to a combined sewer unless one of the following conditions exist:

(1) Due to the distance between homes disconnection of downspouts or roof drains from the combined sewer will result in flooding or property damage to an adjacent property.

(2) Due to the lot size of a home, discharge from downspouts or roof drains will be discharged into the city right-of-way and could present a public safety concern regarding flooding of a city street or hazards associated with storm water freezing during winter months.

(3) Property owners shall contact the city if they believe either of the aforementioned conditions exists on their property. City personnel shall determine if it is appropriate for the downspouts or roof drains to remain connected to the combined sewer system. The owner of any home with the downspouts or roof drains found to be connected to the sanitary or combined sewer without authorization from the city shall be in violation of this chapter and subject to the enforcement procedures as specified in this chapter.

(B) Sump pumps. In no case shall a sump pump be used for more than one function; sump pumps shall be used only for the discharge of storm water or groundwater. Sump pumps used for temporary relief from storm water or ground water accumulation in basements or crawl spaces shall discharge onto a grass

surface within the boundaries of the affected property. The sump pump discharge shall be conducted in a manner that does not adversely affect adjacent properties.

(C) Footing drains.

(1) In no case shall a footing drain discharge to a sanitary sewer.

(2) Discharge from permanently installed footing drains may be connected to municipal storm sewers if a Storm Sewer Connection Permit has been obtained from the City Engineer.

(a) Connections from footing drains to the municipal storm sewer system made prior to the adoption date of this chapter are not required to obtain a Storm Sewer Connection Permit.

(b) Connections from footing drains to the municipal combined sewer system are prohibited unless one of the following conditions exists:

1. Due to the distance between homes, disconnection of footing drains from the combined sewer will result in flooding or property damage to an adjacent property.

2. Due to the lot size of a home, discharge from footing drains will be discharged into the city right-of-way and could present a public safety concern regarding flooding of a city street or hazards associated with storm water freezing during winter months.

(3) Property owners shall contact the city if they believe either of the aforementioned conditions exists on their property. City personnel shall determine if it is appropriate for the footing drains to remain connected to the combined sewer system. The owner of any home with the footing drain found to be connected to the sanitary or combined sewer without authorization from the city shall be in violation of this chapter and subject to the enforcement procedures as specified in this chapter.

(D) Basement floor drains. Basement floor drains shall be connected to sanitary or combined sewers. In no case shall basement floor drains discharge to the municipal storm sewer system.

(Ord. 6-05, passed 3-10-05)

§ 54.111 PROHIBITED DISCHARGES.

(A) No individual shall discharge or cause to be discharged into the municipal storm sewer system, a privately owned water body, or a Water of the State any materials, including but not limited to pollutants or waters containing any pollutants that may cause or contribute to a violation of applicable water quality standards, other than storm water. This includes any material that may obstruct flow in the system or cause damage to the system or interfere with the proper operation of the system or creates a hazard to the public. Any individual responsible for the discharge of a prohibited substance into the municipal storm sewer system shall be subject to all remedial and punitive enforcement procedures specified in this chapter.

(B) It is an affirmative defense to any enforcement action for a violation of § 54.111 that the discharge was composed entirely of one or more of the following categories of discharges:

(1) A discharge authorized by, and in full compliance with, an NPDES permit;

(2) A discharge or flow resulting from fire fighting activities by a Fire Department, if the Fire Department properly notifies the City Water Pollution Control Department at the time the Fire Department responds to the incident;

(3) A discharge or flow from water line flushing;

(4) A discharge or flow from lawn watering, or landscape irrigation;

(5) A discharge or flow from a diverted stream flow, natural spring, riparian habitat or wetland;

(6) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;

(7) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;

(8) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

(9) A discharge or flow from individual residential car washing; or

(10) Dechlorinated swimming pool discharges.

(C) No affirmative defense shall be available under § 54.110(B) if:

(1) The discharge or flow in question has been determined by the Water Pollution Control Department to be a source of a pollutant or pollutants to the Waters of the State or to the municipal storm sewer system;

(2) Notice of such determination has been provided to the discharger; and

(3) The discharge has continued after the expiration of the time given in the notice to cease the discharge.

(Ord. 6-05, passed 3-10-05)

§ 54.112 ILLICIT CONNECTION AND PROHIBITED DISCHARGE ELIMINATION REQUIREMENTS.

(A) The construction, use, maintenance or continued existence of illicit connections and or prohibited discharges to the municipal storm sewer system, privately owned water body or a Water of the State is prohibited.

(B) This prohibition includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(C) This prohibition also includes prohibited discharges originating from a property which, due to subsurface or groundwater discharge, may not initially be detected within the boundaries of the property responsible for the prohibited discharge.

(D) The current owner of the property, where the illegal connection exist, shall be responsible for all costs associated with eliminating the illegal connection and insuring that all sanitary and storm water connections originating from the property are in full compliance with this chapter and all applicable county, state and federal rules and regulations.

(Ord. 6-05, passed 3-10-05)

§ 54.113 INSPECTIONS AND DISCHARGE MONITORING.

(A) The City Engineer or the Water Pollution Control Utility Superintendent or their designated representatives have the authority to inspect the interior and exterior of all buildings and structures and adjacent property for the purpose of determining the origin of a prohibited discharge or illicit connection.

(B) The city may also conduct sampling and other related activities, including but not limited to collection of storm water/wastewater samples, dye testing and smoke testing of drains, during the course of the investigation.

(C) City personnel shall present valid city identification, which includes the individual's name, job title, and employee identification number prior to entry to any privately owned building.

(D) Refusal of entry by a property owner after city personnel present valid identification shall constitute a violation of this chapter and subject the

property owner to enforcement as specified in this chapter.

(E) Upon refusal of entry, the City Attorney may file an application with a municipal or county court judge to obtain a search and/or seizure warrant. The warrant shall specify what may be searched and/or seized at the property described in the warrant. (Ord. 6-05, passed 3-10-05)

§ 54.114 SUSPENSION OF UTILITY SERVICE AND MS4 ACCESS.

(A) The city may, without prior notice, suspend water service, sanitary sewer service, and/or municipal storm sewer system access to an individual discharging to the municipal storm sewer system, Waters of the State, or the Publicly Owned Treatment Works (POTW) when such suspension is necessary to stop an actual or potential discharge which:

(1) Presents or may present imminent and substantial danger to the environment or to the health or welfare of the public; or

(2) Presents or may present imminent and substantial danger to municipal storm sewer system structures, the POTW or the Waters of the State.

(B) As soon as is practicable after the suspension of service or municipal storm sewer system discharge access, the City Engineer or the Water Pollution Control Superintendent shall notify the violator of the suspension in person or by certified mail, return receipt requested, and shall order the violator to cease the discharge immediately. When time permits, the City Engineer or the Water Pollution Control Superintendent should also attempt to notify the violator prior to suspending service or access.

(C) In non-emergency situations the city may terminate the city provided water supply, sanitary sewer connection, and/or municipal storm sewer system access to any individual discharging to the

municipal storm sewer system who is in violation of this chapter or other applicable county, state and federal rules and regulations.

(1) In such cases the City Engineer or the Water Pollution Control Superintendent will notify a violator, in writing, of the proposed termination of service ten days prior to disconnection. All termination notices shall be sent certified mail to the recipient.

(2) The violator may petition the City Engineer and/or the Water Pollution Control Superintendent for reconsideration. Petition must be made in writing and received by the appropriate party prior to the expiration of the ten day period.

(D) If the violator fails to comply with this chapter after being notified by the city in writing via certified mail, the city may take such steps as is necessary to prevent or minimize damage to the municipal storm sewer system or Waters of the State, or to minimize danger to persons.

(E) The city shall not reinstate suspended services to the violator until:

(1) The violator presents proof, satisfactory to the City Engineer or Water Pollution Control Superintendent, that the noncompliant discharge has been eliminated and its cause determined and corrected;

(2) The violator pays the city for all costs the city incurred in responding to, abating, and remediating the discharge or threatened discharge; and

(3) The violator pays the city for all costs the city will incur in reinstating service or access.

(F) A violator whose service or access has been suspended or disconnected may appeal such enforcement action to the City Engineer or the Water Pollution Control Superintendent, in writing, within ten days of notice of the suspension in accordance with this chapter.

(G) The city may obtain a lien against the property to recover its response costs.

(H) The remedies provided by this section are in addition to any other procedures stated in this chapter. Suspension of service shall not limit the city from taking other action against a violator.
(Ord. 6-05, passed 3-10-05)

§ 54.115 ACCIDENTAL DISCHARGES.

Any individual who accidentally discharges into any waterway any substance other than storm water or an exempted discharge as specified in this chapter shall immediately notify the City Engineering Office and the City Water Pollution Control Utility. It is also the discharger's responsibility to notify any county, state or federal agencies if such notification is required. Verbal notification shall be made within two hours of the event. The city may require the discharger to submit a written report within five working days of the event. The written report shall specify the following:

(A) The date, time and estimated volume of the discharge;

(B) A detailed description of the composition of the discharge;

(C) A narrative description of the events leading up to the discharge and the believed cause of the discharge;

(D) All measures taken to clean up the discharge; and

(E) Full contact information including name, telephone number, and business address for the individual submitting the report, the business or property owner, and individuals who were involved with the equipment, process, etc. just prior to the discharge.

(Ord. 6-05, passed 3-10-05)

ENFORCEMENT

§ 54.130 NOTICE OF VIOLATION.

(A) Any individual who is found to be in violation of any provision of this chapter shall be deemed to have committed a storm water drainage violation and may be issued a Notice of Violation (NOV) by the city. The NOV shall be served by personal service, or by certified mail. The NOV shall contain, at a minimum, the following information:

(1) The name and address of the individual responsible for the violation;

(2) The address or a description of the building, structure, or land upon which the violation has occurred;

(3) A statement specifying the nature of the violation;

(4) A statement of the corrective or remedial measures necessary to bring the property into compliance with this chapter and a date required to complete such measures; and

(5) If a penalty is to be assessed against the individual to whom the NOV is directed, a statement of the penalty shall be included in the NOV.

(B) The corrective or remedial measures the city may require include but are not limited to the following:

(1) Submission of corrected documentation related to a Drainage Permit Application;

(2) Installation and maintenance of erosion and sediment or pollution control measures;

(3) Removal of buildings, structures, debris or excessive vegetation within a legally designated drainage easement or within the floodway; and

(4) Immediate cessation of prohibited discharges and/or permanent elimination or illicit connections.

(C) The NOV may include a civil penalty not to exceed \$2,500 per day per violation. Each day a violation remains uncorrected after the deadline specified in the NOV is a distinct and separate violation of this chapter and is subject to the assessment of an additional penalty.

(D) The NOV may include a requirement to reimburse the city for any or all costs associated with the inspection and investigation of the violation including but not limited to sampling and analyses cost, equipment cost, overtime cost for city personnel, and contractors or consultants cost.

(E) The NOV may include a requirement to reimburse the city for any or all cost associated with the remediation of damages caused by a violation including but not limited to equipment cost, overtime cost for city personnel, and contractors or consultants cost.

(F) The NOV may include a requirement to reimburse the city for any or all cost associated with the remediation or abatement of damages to the city municipal storm sewer system, a legal drain, or a Water of the State caused by the violation including but not limited to equipment cost, overtime cost for city personnel, and contractors or consultants cost.

(G) Any individual receiving a NOV may appeal the findings or contest the stated requirements. The notice of appeal must be received in writing within seven days from the date of receipt of the NOV by the City Engineering Department. Hearing on the appeal before the City Engineer or the Water Pollution Control Superintendent shall take place within 15 days of receipt of the notice of appeal. The decision made at the conclusion of this hearing shall be final.

(H) If an individual who receives an NOV fails to correct the observed violation, pay the assessed fine, or respond to the city within the time allotted in

the NOV, the City Attorney may file a civil lawsuit as prescribed by applicable laws and ordinances, and seek penalties as prescribed in this section. An individual adjudged to have committed a storm water drainage violation in a court of law is liable for all associated court costs and attorney fees. (Ord. 6-05, passed 3-10-05)

§ 54.131 CEASE AND DESIST ORDERS.

If the violation is determined by the City Engineer or the City Water Pollution Control Superintendent to be a threat to public health or safety, the City Engineer or City Water Pollution Control Superintendent may order the land use or prohibited discharge to cease and desist immediately, regardless of whether a NOV has been issued. (Ord. 6-05, passed 3-10-05)

§ 54.132 REMEDIES NOT EXCLUSIVE.

The remedies stated in this chapter are not exclusive of any other remedies available under any applicable section of local, state, or federal ordinance, rule, regulation, or law and it is within the discretionary authority of other government bodies to pursue additional remedies as stated in the aforementioned ordinances, rules, regulations, or laws. (Ord. 6-05, passed 3-10-05)

IMPLEMENTATION

§ 54.140 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or storm water runoff depths may be increased by man-made or natural causes. This chapter does not

imply the land uses permitted will be free from storm water damage. This chapter shall not create liability on the part of the city or any officer or employees thereof for any damages that may result from reliance on this chapter or on any administrative decision lawfully made thereunder.

(Ord. 6-05, passed 3-10-05)

§ 54.141 CORRECTIVE ACTION.

Nothing herein contained shall prevent the city from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the individual or individuals responsible.

(Ord. 6-05, passed 3-10-05)

§ 54.142 EXEMPT PROJECTS.

Any subdivision or construction project that has received a final Drainage Permit approved by the City Engineer prior to July 1, 2005, shall be considered legally non-conforming. As such, the plan may be implemented as approved. If, however, the project is expanded or otherwise altered, these regulations specified in this chapter shall apply.

(Ord. 6-05, passed 3-10-05)

CHAPTER 55: GENERAL UTILITY PROVISIONS

Section

- 55.01 Authorized expenditures and activities for water pollution control and stormwater utilities
- 55.02 Solid waste disposal fee

(E) Expenses incurred in promoting good customer relations with its residential, industrial and commercial purchasers of power.

(F) Expenditures and activities of the utilities in conformity with the provisions herein made by the utility are retroactively approved.
(Ord. 29-03, passed 7-10-03)

§ 55.01 AUTHORIZED EXPENDITURES AND ACTIVITIES FOR WATER POLLUTION CONTROL AND STORMWATER UTILITIES.

The following expenditures and activities on behalf of the utilities are now hereby authorized and approved, subject to all normal and existing Board and claim approval procedures:

(A) Memberships of the utilities of the Anderson Area Chamber of Commerce and other organizations of a similar nature which the Board deems will further the objectives and operations of the utility.

(B) Reimbursement for employees of the utilities who attend, on behalf of the utilities, luncheons, dinner meetings, conferences, and activities of a similar nature for meals and incidental expenses related to such attendance. In addition, guests of the utilities attending conferences and meetings on behalf of the utilities shall receive their meals paid for by the utility.

(C) Community service advertising which will further customer relations and community standing including holiday greetings, advertisements in area publications, and such other advertising expenses of a similar nature.

(D) Educational and instructional course expenses of a reasonable nature for the utility employees relative to the employee's official duties.

§ 55.02 SOLID WASTE DISPOSAL FEE.

(A) For purposes of this section, a **RESIDENTIAL USER OF DISPOSAL SERVICES** shall mean that person who is either the owner or occupant of a residential premises and in whose name other utility services are maintained with the city. **RESIDENTIAL PREMISES** shall mean a group of rooms located within a building forming a single-family dwelling. The term shall include complexes containing four or fewer separate or contiguous single-family dwelling units, either owner occupied or rented, or whose owner has not elected to procure commercial waste removal by a contracted hauler.

(B) There is now hereby established a solid waste disposal fee equal to the sum of \$10.70 per month, which fee shall be charged to each residential user of the disposal services of the city. Provided, that for any residential user in whose name the account holder is a person age 65 or older, the fee shall be the sum of \$7.70 per month. Such fee shall commence on the first day of the month following final passage and promulgation of the ordinance.

(C) The fee shall be rendered only to residential premises as described above, within the confines of the corporate limits of the city. The monthly fee shall be billed to each residential unit and collected in conjunction with other utility services provided by the city. When the utility account covers a residential premises containing greater than one single-family unit, the account shall reflect, for purposes of the fee, the name of the current account holder for the other city utility services. Any residential premises requiring more than two standard trash receptacles per premises shall be charged an additional fee of \$4 per receptacle per month.

(D) In accordance with the provisions of I.C. 36-9-30-21(j), any user of the services provided does not pay the fee within 30 days after it is due, the amount of fee, together with a penalty of 10% and a reasonable attorney's fee, may be recovered by the city in a civil action brought in the name of the unit.

(E) The Board of Works is hereby empowered to promulgate such rules and regulations, and to enter into such contracts with third parties as necessary to carry out solid waste collection and disposal within the city.

(Ord. 22-09, passed 7-9-09)