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TOWN OF BURNS HARBOR

TOWN CODE

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SEWER RATE ORDINANCE
(Ordinance 171, April 10, 2002)

An ordinance establishing a schedule of rates and charges to be collected by the Town of Burns Harbor from the owners of property served by the sewage works of said Town and other matters connected therewith.

WHEREAS, the Town proposes to construct a sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and proposes to construct improvements thereto; and

WHEREAS, it is necessary to establish a schedule of rates and charges as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works; now, therefore,

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BURNS
HARBOR, PORTER COUNTY, INDIANA:**

Section 1. Unless the context specifically indicated otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) “Ammonia” (or NH₃-N) shall have the same meaning as defined in the Sewer Use Ordinance.
- (b) “BOD” (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (c) “CBOD” (or Carbonaceous Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (d) “COD” (or Chemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (e) “Debt Service Costs” shall mean the average annual principal and interest payments on all proposed revenue bonds or other long term capital debt.
- (f) “Industrial Wastes” shall mean the wastewater discharges from

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industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

- (g)** “NPDES (National Pollutant Discharge Elimination System) Permit” shall have the same meaning as defined in the Sewer Use Ordinance.
- (h)** “Operation and Maintenance Cost” include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements.
- (i)** “Other Service Charges” shall mean tap charges, connection charges, area charges, and other identifiable charges other than excessive strength surcharges.
- (j)** “Person” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (k)** “Phosphorus” shall have the same meaning as defined in the Sewer Use Ordinance.
- (l)** “Replacement Costs” shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (m)** “S.S.” (Or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (n)** “Shall” is mandatory; “May” is permissive.
- (o)** “Sewage” shall have the same meaning as defined in the Sewer Use Ordinance.
- (p)** “Sewer Use Ordinance” shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and

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use of public and private sewers.

- (q) “Town” shall mean the Town of Burns Harbor acting by and through the Town Council.
- (r) “Town Council” shall mean the Town Council of the Town of Burns Harbor, or any duly authorized officials acting in its behalf.
- (s) “User Class” shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities.

Residential User - shall mean a user of the treatment works whose premises, dwelling unit, or building is used primarily as a residence for one or more persons. (*Ordinance 249, 10/17/2012*)

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

Section 2. For the use of the service rendered by the sewage works, rates and charges shall be collected from the owner of each and every lot, parcel of real estate, building, or dwelling unit that is connected with the Town’s sanitary system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Burns Harbor. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of peak requirements, volume, and load. User

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charges are levied to defray the cost of operation and maintenance of the treatment works. User charges shall be uniform in magnitude within a user class.

The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows:

Class I - Residential

Class II - Commercial
Governmental
Institutional
Industrial

Section 3. For the use of the service rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, building or dwelling unit that is connected with the Town sanitary system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Burns Harbor. Such rates and charges include user charges, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows: (*Ordinance 249, 10/17/2012*)

- (a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is determined by equivalent residential units (“ERU”). The Town will send payment books to all users in November for the following year. Sewage service bills shall be paid by the user on a monthly basis. (*Ordinance 267, 3/9/2016*)
The schedule on which said rates and charges shall be determined is as follows:

All Class I Users

Residential:	ERU*	Monthly Rate
Single family residence/unit	1.0	\$40.75
Apartments, condominiums & townhouses/unit	1.0	\$40.75
Mobile home court/space available for rent	1.0	\$40.75
Duplexes/unit	1.0	\$40.75

* Each ERU is assumed to equal 7,000 gallons of monthly water consumption.

All Class II Users

\$40.75 per ERU

The ERU for all Class II users will be determined by taking the most recent twelve month average of water consumption per the Indiana American Water Company and dividing by 7,000 gallons, rounded down to the nearest 0.25. In no event will a Class II user be less than 1.00 ERU. In the event that accurate metered water consumption is not available, the engineer for the Town or an official of the Town may set the ERU based on an examination of the user's facilities and determining the estimated average monthly flow into the sewage works. The Town may review the ERU for Class II users annually and make appropriate adjustments based on the previous twelve months water consumption.

- (b) The monthly rates and charges provided herein shall be applied throughout the year based upon the average sewage service required in a month for the most recent twelve months (as provided by Indiana American Water Company meter readings) at the time of connection to the sewage works.
- (c) (c) Beginning with the first month after the sanitary sewers are connected to the lot, parcel of real estate or building, the full rates and charges shall become effective for such lot, parcel of real estate or building. Provided, however, that for new construction no rates or charges shall accrue on any lot, parcel of real estate or building during the period between the issuance of the building permit and the issuance of a certificate of occupancy by the Building Commissioner. In all such cases, the full rates and charges shall become effective beginning the first month after the certificate of occupancy is issued. (*Ordinance 275-2016*)
- (d) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user not less than \$50.00 per sampling event plus the actual cost for collecting and analyzing the sample(s) as determined by the Town or by an independent laboratory. The charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. Such rates and charges shall be prepared, billed and collected by the Town

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in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared in the form of a payment book sent to all users in November for the following year and paid by the user on a monthly basis. (*Ordinance 267, 3/9/2017*)
- (b) The rates and charges may be billed to either the tenant occupying the property served or the owner, at the discretion of the Town, but such billing shall in no way relieve the owner from the liability if the event payment is not made as herein required. The owners or properties served, which are occupied by a tenant or tenants, shall have the right to examine collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.
- (c) As is provided by statute, all rates and charges not paid by the 15th day of the month following receipt of billing are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges shall thereupon attach thereto.
- (d) Disputes regarding bills, charges, and fees shall be handled in the following manner. First, the user shall attempt to informally resolve the dispute with the sanitary clerk. If the dispute remains unresolved, the user may then appeal the dispute to the sanitary board. Payment of the disputed bill, charge, or fee by a user does not constitute a waiver of rights to subsequently claim and recovery sums improperly charged to the user. (*Ordinance 249, 10/17/2012*)
- (e) If a fee charged pursuant to this chapter is not paid within one (1) monthly billing cycle after it is due, the Board, or its designee, shall send notice to the delinquent user stating:
 - (1) the delinquent amount due, together with any penalty;
 - (2) that water service may be disconnected if the user continues not to pay the delinquency and any penalty; and
 - (3) the procedure for resolving disputed bills.

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- (f) If the user fails to pay the delinquent amount or otherwise resolve the charges as specified in this section, the Board, or its designee, shall give written notice to the water utility serving the user to discontinue water service to the premises designated in the notice until notified otherwise. (*Ordinance 255, 5/8/2013*)
- (g) Prior to giving notice to the water utility to discontinue service, the Board shall provide a shutoff notice, in writing, to the user indicating that there are delinquent charges, specifying the amount that is past due and the time and date by which the past due amount must be paid, and stating that water service to the premises will be shut off after the specified date unless the user requests a hearing prior to that date or provides payment in full of the delinquent charges in the form of cash, debit card, credit card, money order or cashier's check no later than 12:00 p.m. two (2) days prior to the date set forth in the shutoff notice. (*Ordinance 280-2017*)
- (h) A user will have a right to a hearing prior to the discontinuance of service. The user must request a hearing in writing, in person at Town Hall, or by calling the Sanitary Clerk. The Town must receive the request no later than 12:00 p.m. two (2) days prior to the date set forth in the shutoff notice. In the event the user fails to request a hearing, the user will be deemed to have waived the right to a hearing and the right to contest the discontinuance of service. If a hearing is requested, the hearing will be conducted by the Board at its regularly scheduled monthly meeting. The Town will notify the user of the date, time and location of the hearing. At the hearing, the user and the Board shall each have the right to present evidence or witnesses, be represented by counsel, and to cross-examine witnesses. The Board shall consider the evidence and shall issue a decision at the conclusion of the hearing affirming, reversing, or modifying the shutoff. In the event the shutoff is affirmed, the water service shall be discontinued no earlier than three days after the Board's decision. Extension of the date of water shutoff may be granted by the Board in order to allow the user to make payment arrangements or for other good cause as determined by the Board. (*Ordinance 255, 5/8/2013*)
- (i) In the event the Board causes a user's water to be disconnected for

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failure to pay bills on a timely basis as set forth in this Chapter, there shall be disconnection and recheck fees charged to the user as set forth in the current Water Service Termination Agreement between the Town and the water utility, a copy of which shall be available for inspection at the office of the Sanitary Clerk.
(Ordinance 255, 5/8/2013)

- (j) Any fee(s) charged to the Town due to user's attempt to pay with a non-sufficient fund check shall be added to the amounts billed to the user. After the same individual(s), business and/or entity has issued and/or delivered two (2) checks, drafts and/or orders to the Town that are not paid or honored by a financial institution upon presentment in the usual course of business, the Town shall require said individual(s), business and/or entity to make future payments for Town fees and/or services via cash, debit card, credit card, money order or cashier's check. (Ordinance 280-2017)

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner, by such method and at such times as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed suspended solids in excess of 300 milligrams per liter of fluid, biochemical oxygen demands in excess of 250 milligrams per liter of fluid, ammonia in excess of 25 milligrams per liter of fluid or phosphorus in excess of 8 milligrams per liter. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (1) **Rate Surcharge Based Upon Suspended Solids**
There shall be an additional charge of 13 cents per pound of suspended solids for suspended solids received in excess of 300 milligrams per liter of fluid.

(2) **Rate Surcharge Based Upon BOD**

There shall be an additional charge of 15 cents per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.

(3) **Rate Surcharge Based Upon Ammonia**

There shall be an additional charge of \$1.25 per pound of ammonia received in excess of 25 milligrams per liter of fluid.

(4) **Rate Surcharge Based Upon Phosphorus**

There shall be an additional charge of \$3.13 per pound of phosphorus received in excess of 8 milligrams per liter.

- (b) The determination of Suspended Solids, five day Carbonaceous Biochemical Oxygen Demand, Biochemical Oxygen Demand, Ammonia-Nitrogen, Phosphorus, Ammonia and COD contained in the waste shall be in accordance with the latest copy of “Standard Methods for the Elimination of Water, Sewage and Industrial Wastes”, as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in accordance with “Guidelines Establishing Test Procedures for Analysis of Pollutants”, 40 CFR Part 136.

Section 6.

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

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness, equity and proportionality of the rates and charges for the sewage services on a continuing basis. Said studies shall be conducted by officers or employees

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of the Town or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances. The Town shall, upon completion of said study revise and adjust rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 7. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system and for the regulation, collection and rebating and refunding of such rates and charges.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the sewage works or as contained in the EPA General Pretreatment Regulations, 40 CFR Part 403 and any amendments thereto or the Town's Pretreatment Program Plan.

Section 8. Any user who wishes to appeal a decision of the Sanitary Board or Sewer Rate and Use Ordinance must file a written appeal within one year from the existence of the circumstances upon which the appeal is based. Said appeal is to be filed with the Secretary of the Sanitary Board on a form prepared and provided by the Town. Any other documentary evidence that the user wishes the Board to consider must be submitted with the completed Appeal form. The matter will be placed on the Agenda of an upcoming Board meeting and the user shall appear to present his/her case. The burden of proof is on the user to prove an extenuating circumstance or undue hardship that would warrant the Board's granting of the appeal. The Board shall hear the request and may take it under advisement. However, the Board must issue a decision within sixty (60) days of the hearing.
(Ordinance 271, 5/11/2016)

Section 9. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which shall be given effect without such invalid part or parts.

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Section 10. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

SEWER USE ORDINANCE
(Ordinance 172, April 10, 2002)

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

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BURNS HARBOR, PORTER COUNTY, INDIANA:

Section 1. Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

- (a) “Ammonia” (or NH₃-N) shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods” as defined in paragraph (ii).
- (b) “Biochemical Oxygen Demand” (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20 degrees Celsius. The laboratory determinations shall be made in accordance with the procedures set forth in “Standard Methods”.
- (c) Building (or House) Drain” - The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building conveys it to a point approximately five (5) feet outside the foundation wall of the building.

Building Drain - Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building Drain - Storm - A building drain which conveys storm water or other clean water drainage, but no wastewater.

- (d) “Building (or House) Lateral Sewer” - The extension from the building drain to the sewerage system or other place of disposal. (Also called house connections.)

Building Sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.

Building Sewer - Storm - A building sewer which conveys storm water or other clean water drainage, but no wastewater.

- (e) “Carbonaceous Biochemical Oxygen Demand” (or CBOD) - Five day measure at pollutant parameters Carbonaceous Biochemical Oxygen Demand.
- (f) “Chemical Oxygen Demand” - (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in “Standard Methods”.
- (g) “Compatible Pollutant” shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants and in fact does not remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
- (1) chemical oxygen demand,
 - (2) total organic carbon,
 - (3) phosphorus and phosphorus compounds,
 - (4) nitrogen and nitrogen compounds, or
 - (5) fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

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- (h)** “Easement” shall mean acquired legal right for the specific use of the land owned by others.
- (i)** “Fecal Coliform” shall mean any number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- (j)** “Floatable Oil” shall mean oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
- (k)** “Garbage” - Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.
- (l)** “Incompatible Pollutant” - Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.
- (m)** “IDEM” - Indiana Department of Environmental Management.
- (n)** “Industrial Wastes” - Any solid, liquid or gaseous substances or form of energy, discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or form the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial sewer.
- (o)** “Infiltration” shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)
- (p)** “Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (q)** “Inflow” shall mean the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, storm waters, surface runoff, street wash

waters or drainage. (Inflow does not include, and is distinguishable from infiltration.)

- (r) “Inspector” shall mean the person or persons duly authorized by the Town through its Town Council to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (s) “Major Contributor” - A contributor that:
 - (1) has a flow of more than 5,000 gallons per average workday.
 - (2) has in its waste a toxic pollutant in toxic amounts as defined in Section 307(a) of the Federal Act or State Statutes and rules.
 - (3) has a flow greater than five (5) percent of flow carried by the municipal system receiving the waste.
 - (4) is found by the District, State Control Agency or the U.S. Environmental Protection Agency (USEPA) to have significant impact, either singly or in connection with other contributing industries, on the wastewater treatment system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system.
- (t) “NPDES Permit” - National Pollutant Discharge Elimination System Permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of Public Law 95-217.
- (u) “Natural Outlet” shall mean any outlet, including storm sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (v) “pH” shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
- (w) “Person” - Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency,

the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

- (x) “Phosphorus” (or P) shall mean the chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods” as defined in paragraph (ii).
- (y) “Pretreatment” - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rules and regulations contained in the code of Federal Regulations as published in the Federal Register, under Section 307 of PL 95-217, under regulation 40 CFR Part 403 pursuant to the Act, and ammendments.
- (z) “Private Sewer” - shall mean a sewer which is not owned by public authority.
- (aa) “Properly Shredded Garbage” shall mean the wastes form the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
- (bb) “Public Sewer” shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

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

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

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

Pumping Station shall mean a station, including grinder pumps, positioned in the public sewer system at which wastewater is pumped to a higher level.

(cc) “Sanitary Sewer” shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface and ground water are not intentionally admitted.

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

Sanitary Sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary pumping facilities.

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

(ee) “Sewage Works” shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

(ff) “Sewer” shall mean a pipe or conduit for carrying sewage.

(gg) “Shall” is mandatory; “May” is permissive.

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

(ii) “Standard Methods” shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of “Standard Methods

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for the Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association, the American Water Works Association and The Water Pollution Control Federation.

- (jj)** “Storm Sewer” shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes were not intentionally admitted.
- (kk)** “Suspended Solids” (or S.S.) - Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in “Standard Methods”.
- (ll)** “Total Solids” shall mean the sum of suspended and dissolved solids.
- (mm)** “Town” shall mean the Town of Burns Harbor acting by and through the Town Council.
- (nn)** “Town Council” shall mean the Town Council of the Town of Burns Harbor, Porter County, Indiana, or any duly authorized deputy, agent or representative.
- (oo)** “Town Engineer” shall mean the Town Engineer of the Town of Burns Harbor Sewage Works, or his authorized deputy, agent or representative.
- (pp)** “Toxic Amount” - Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (Section 307A of Public Law 92-500).
- (qq)** “Unpolluted Water” is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

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- (rr)** “Volatile Organic Matter” shall mean the material in the sewage solids transformed to gases or vapors when heated to 550 degrees C for 15 to 20 minutes.
- (ss)** “Wastewater” shall mean water in which sewage has been discharged.
- (tt)** “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- (uu)** Any terms not defined herein, but defined in the Sewer Rate Ordinance (Ordinance 171) shall have the same meaning herein.

Section 2.

- (a)** It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human excrement, garbage or other objectionable waste.
- (b)** No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, sump pump discharge, cooling water, unpolluted water or unpolluted industrial water.
- (c)** No new connection shall be made unless there is capacity available to all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for ammonia, BOD, and S.S.
- (d)** No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES permit.
- (e)** No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES permit.

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- (f) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (g) The owner of all houses, buildings, dwelling units or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Town is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. (*Ordinance 249, 10/17/2009*)

Section 3. Plans, specifications, and any other pertinent information relating to the installation of any underground Sanitary and/or Storm infrastructure shall be submitted for approval to the Burns Harbor Planning Commission pursuant to the process outlined in Chapter 14 of the Town of Burns Harbor Subdivision Control Ordinance; and, no such installation shall be commenced until the approvals required under Chapter 14 are received.

Section 4. Upon completion of all underground Sanitary and/or Storm improvements, a subdivider shall follow the process outlined in Chapter 14 of the Town of Burns Harbor Subdivision Control Ordinance for obtaining acceptance of all underground infrastructure.

Section 5. The owner of any lot, parcel of real estate or building, or dwelling unit connecting to the sewage works plant, prior to being permitted to make a connection shall comply with all applicable federal, state, county and Town laws, rules, and regulations and shall pay a connection charge which shall be the sum of the following:

- (a) The inspection fee for each dwelling unit, building lot, or parcel of real estate as specified in Section 4(b). (*Ordinance 249, 10/17/2012*)
- (b) The hard and soft cost of connecting to the public sewer, including the costs of installing and connecting the components of the public sewer. Those costs may include, but are not limited to, excavation, backfilling, pavement replacement, electrical, easements, legal and engineering fees.

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- (c) Plus: subsequent to December 31, 2003, the amount of One Thousand Dollars (\$1,000) for a 5/8" - 3/4" meter.
- (d) Plus: subsequent to December 21, 2003, the amount of Two Thousand Dollars (\$2,000) for an meter 1" or larger.

Any such owner so connecting shall install all components of the private sewer as required by the Town to connect such private sewer into the public sewer system and shall pay the costs of such components and their installation.

Section 6.

- (a) Where a public sanitary sewer is not available under the provisions of Section 2(g), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Town Engineer or designated representative of the Town. A permit and inspection fee ***One Hundred Dollars (\$100.00)*** shall be paid to the Town at the time the application is filed. ***The permit shall expire one year after the date of issuance, and in no event shall the permit be transferred or assigned. (Ordinance 183, June 8, 2005)***
- (c) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town Engineer or designated representative of the Town. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town Engineer or designated representative of the Town when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Town Engineer or designated representative of the Town.
- (d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the IDEM. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty-five thousand (45,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) At such time a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 4(a), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks,

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cesspools and similar private sewage disposal facilities shall be cleaned of sludge, abandoned and filled with suitable material.

- (f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- (g) When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with suitable material.
- (h) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 7.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.
- (b) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front of the building may be extended to the rear building. The ERU for billing purposes shall be determined based upon inspection by the Town or its designated representative.
- (d) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.
- (e) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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- (f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (g) No person shall make connection of roof downspouts, basement drains, sump pumps, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (h) The connection of a building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- (i) The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The construction shall be made under the supervision of the said Inspector or his representative.
- (j) All excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 8.

- (a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

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- (3) Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works, or that interferes with any treatment process.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - (5) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater works, or to exceed the limitations set forth in the applicable Federal Categorical Pretreatment Standards or other pretreatment standards or regulations issued by USEPA or the IDEM. A toxic pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended.
- (b) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Town Council that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Town Council will give consideration to the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.
 - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty (32 and 150) degrees Fahrenheit or zero and sixty-five (0 and 65) degrees Celsius.

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- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town Council.
- (4) Any water or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (5) Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town Engineer or designated representative for such materials.
- (6) Any water or wastes containing phenols or other state or odor producing substances, in such concentrations exceeding limits which may be established by the Town Council as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Council in compliance with applicable State and Federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.
- (9) Materials which exert or cause:

 - (a) Unusual concentrations of inert S.S. (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual S.S., CBOD, BOD, Ammonia, Ammonia-Nitrogen, Phosphorus, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

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- (d) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent can not meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) It shall be unlawful for any person to place, deposit, permit to be deposited, or discharged in any manner whatsoever, any substance into a sewer at a point different than the proposed sewer connection to the sanitary sewer system.
- (c) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which water contain the substances or possess the characteristics enumerated in Section 6(b) of this article or other substances or processes, which in the judgement of the Town Council may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Town Council may:
 - (1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
 - (2) Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
 - (3) Require pretreatment of such wastes to within the limits of normal sewage as defined.
 - (4) Require control of flow equalization of such wastes so as to avoid any “slug” loads or excessive loads that may be harmful to the treatment works.
 - (5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for treating such wastes.

If the Town Council permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review

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and approval of the Town Council and subject to the requirements of all applicable codes, ordinances and laws.

- (d) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (e) When required by the Town Engineer or designated representative of the Town, the owner or any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. Such manhole, when required shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Town Engineer or designated representative of the Town. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Agents of the Town, the State Water Pollution Control Agencies and the USEPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.
- (f) All measurements, test and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for application for NPDES permits and report thereof such shall be conducted in accordance with rules and regulations adopted by the USEPA, 40 CFR Part 136 and any subsequent revisions subject to approval by the Town. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and S.S. analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)
- (g) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town

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for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.

- Section 9.** Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and subject to the Rules and Regulations adopted by the USEPA (40 CFR Part 403), and “Guidelines Establishing Test Procedures for Analysis of Pollutants” (40 CFR Part 136), in addition to any more stringent requirements established by the Town and subsequent State or Federal Guidelines and Rules and Regulations.
- Section 10.** Plans, specifications and any other pertinent information relating to pretreatment of control facilities shall be submitted for approval of the Town and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with applicable Federal, State, and local law permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.
- Section 11.** Unpolluted water from air conditioners, sump pumps, cooling, condensing systems or swimming pools shall not be discharged to a sanitary sewer of the Town.
- Section 12.** Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above section.
- Section 13.** The Town may require users of the treatment works, other than residential users to supply pertinent information on wastewater flow characteristics. Such measurements, tests and analyses shall be made at the users’ expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town.
- Section 14.** Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily accessible for cleaning and inspection.

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They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Specifications for grease, oil and sand interceptors shall be in accordance with Sections 711, 712, 713, of the Indiana Plumbing Rules, 1981 Edition, (660 IAC 9) originally published as (4 IR 2398), which identifies, amends, and incorporates therein the Uniform Plumbing Code, 1979 Edition. Copies of the aforementioned Code and Rules, Regulations and Codes adopted herein by reference are on file as required by law in the office of the Building Commissioner of the Town of Burns Harbor.

Section 15. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

Section 16. All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal requirements now, or projected to be, in effect.

Section 17. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

Section 18.

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

(b) While performing the necessary work on private properties referred to in Section 16(a) above, the Town Engineer or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the

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company against loss or damage to its property by Town Employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6(e).

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

Section 19.

- (a) Any person found to be violating any provisions of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in Section 17(a) shall be guilty of a violation and on conviction thereof shall be fined in an amount not exceeding Two Thousand Five Hundred Dollars (\$2,500) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage, including reasonable attorney fees and other litigation expenses, incurred by the Town by reason of such violation.

Section 20. That the rules and regulations promulgated by the Town, after approval by the Town shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system or user charges of the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

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Section 21. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 22. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.