

**TITLE V: PUBLIC WORKS**

Chapter

**50. WASTEWATER**



## CHAPTER 50: WASTEWATER

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***AVAILABILITY FEE; EQUIVALENT DWELLING UNITS*****§ 50.01 FEE ESTABLISHED; EDU TABLE.**

(A) There is hereby established an availability fee of \$3,000 for all new connections to the system. The availability fee will be based according to the following Equivalent Dwelling Unit (EDU) table, with the Unit Equivalent for each user being multiplied by the then-existing availability fee:

**EQUIVALENT DWELLING UNIT TABLE**

<i>Type of User</i>	<i>Unit Equivalent</i>
Single Family Residences and Condominiums	1.00
Multi-Family Residences	
1 Bedroom	.64
2 Bedroom	.96
3+ Bedrooms	1.00
Assembly Halls, Lodges, Veteran Organizations	.01/seat
Barber Shops	.60/chair
Bars and Cocktail Lounges	.10/seat
Bowling Alleys	.32/lane
Churches	.01/seat
Day Care Centers	.03/child and staff
Doctor/Dentist Office	2.00/1000 sq. ft. of building area
Drive-In/Drive-Thru restaurant	.40/car space
Hospital	.50/bed
Institutions other than hospitals	.40/bed
Kennel	.10/cage
Laundromats	1.00/washing machine
Mobile Home parks	.75/space

<i>Type of User</i>	<i>Unit Equivalent</i>
Motels/Hotels	.32/room
Nursing Home	.30/bed
Offices/Governmental Agencies	.50/1000 sq. ft. of building area
Restaurants	.10/seat
Retail Space	1.00/1000 sq. ft. of building area
w/ fountain space, add	.10/seat
Rooming Houses	.30/renter
Schools	.05/pupil and staff
w/ cafeterias and/or showers	.09/pupil and staff
Service Station	.70/island
Theaters	.01/seat
Warehouses	.04/1000 sq. ft. of building area
Manufacturing facilities	depends on type of industry
(usage shall be estimated and converted to EDUs based on 310 gpd)	
Other Facilities	Negotiated

(B) The \$3,000 availability fee is effective on May 9, 2005, except that those entities that have already received approval from the Planning Commission and/or Town Board to begin construction, or who have negotiated a rate under Ord. 4-2003 prior to May 9, 2005, the effective date of the amending ordinance, shall pay the prior referenced availability fee.  
(Ord. 4-2003, passed 7-14-2003; Am. Ord. passed 5-9-2005)

#### **§ 50.02 PAYMENT OF FEE.**

The fee is to be paid as follows: One-half of the fee must be paid prior to the issuance of any building permit, and ½ of the fee is to be paid prior to occupancy. In the event that the owner/developer has not received zoning approval and/or completed the project within 2 years from the date of application, the initial payment shall be forfeited to Monrovia. Any extension of time for completion shall be permitted upon written approval of Monrovia.  
(Ord. 4-2003, passed 7-14-2003)

**§ 50.03 EDU FACTOR; CONVERSION.**

In order to provide an equitable method of assessing fees between non-residential and residential users, projected flows are converted to equivalent single-family residences using an EDU factor equal to 310 gallons per day usage rate.  
(Ord. 4-2003, passed 7-14-2003)

**§ 50.04 UTILITY LINE EXTENSIONS; RESPONSIBILITY.**

Utility line extensions shall be the responsibility of the project developer and shall be constructed to Monrovia's specifications and standards. Upon completion and after approval based on inspections by Monrovia, the constructed facilities and all necessary easements shall be donated to Monrovia as public facilities, after which Monrovia shall be responsible for their maintenance. Extensions shall be constructed to the point of service for the particular development. The developer is required to extend the utility through the project area to the limit of its property boundary. The developer is required to grant the easements in favor of Monrovia to permit the extension of the line for future development.  
(Ord. 4-2003, passed 7-14-2003)

**§ 50.05 SEWER LATERAL INSTALLATIONS; CONFORMITY.**

All sewer lateral installations shall conform to the latest edition of the Uniform Plumbing Code. A mandatory inspection of lateral lines and connections must be completed prior to any hook-on. For scheduling purposes, the developer/owner must contact Monrovia at least 24 hours in advance of the inspection.  
(Ord. 4-2003, passed 7-14-2003)

**§ 50.06 MINIMUM STANDARDS.**

The following minimum standards must be used:

- (A) A "Y" cleanout must be installed within 3 feet of the building's exterior.
- (B) Minimum schedule of pipe is SRD35. Minimum pipe size is 4 inches in diameter.
- (C) Minimum slope of lateral from the building to the main is 1/4 inch per foot.
- (D) Backfill material must be either sand or pea gravel.

(E) At time of inspection, pipe must be bedded to  $\frac{1}{2}$  the diameter of the pipe. All sections and joints must be exposed. After inspection, pipe must be backfilled with the equivalent of the pipe's diameter (such as, 4-inch diameter pipe will have 4 inches of sand or pea gravel at the top, bottom, and each side).

(F) Either glue or gasketed slip joint must be the type of pipe connection.

(G) The use of 90-degree elbows is prohibited. Use of two 45-degree elbows is acceptable, but must be a minimum of 1 foot of pipe between each 45-degree elbow.

(H) Clear water discharges are prohibited into or with the lateral tie-in such as foundation/footing drains, sump pumps, roof drains/downpours, heat pump/cooling water.

(I) Joint sealant for concrete tanks must be butyl rubber and meet or exceed the requirements of ASTM C-990, *Standard Specification for Joints for Concrete Pipe, Manholes, and Precast Sections Using Preformed Flexible Joint Sealants*, § 6.2 *Butyl Rubber Sealant*, and be installed according to manufacturer's installation recommendations.

(J) Drain holes in precast concrete tanks must be plugged with hydraulic cement or a plug provided by the manufacturer before the tank is put into use.

(K) Manufacturer's recommendations for the anchoring of fiberglass and polyethylene tanks must be followed.

(L) Where the water table is above the base of the tank during installation, one or more of the following measures must be used:

- (1) The tank must be filled with water;
- (2) Soil material must be placed over the top of the tank; and
- (3) Groundwater must be pumped from the excavation until the backfill operation is complete.

(M) Pipe installed in connectors must be restrained from movement during backfill operations.

(N) Backfill with soil material:

- (1) Stones or debris must be no greater than 3 inches;
- (2) Soil material must be placed in layers 12 inches to 24 inches thick. Depth of layers must be adjusted according to soil material used; and
- (3) Each layer of soil material must be compacted to prevent uneven settling.

(O) The final grade must divert surface water away from the tank access opening covers.

(P) When the tank(s) is abandoned and/or removed, the following measures are to be followed:

(1) The owner/developer is responsible for abandonment/removal of all tanks;

(2) Tanks must be abandoned and/or removed when the useful life of the tank has been exceeded or when an OSS is abandoned;

(3) If the tank is abandoned:

(a) The tank must be pumped of all contents by a licensed wastewater management business;

(b) The tank cover must be collapsed into the tank or removed; and

(c) The tank must be filled with debris-free sand, or other granular or soil material that is compacted, to prevent settling.

(4) If the tank is removed:

(a) The tank must be pumped of all contents by a licensed wastewater management business;

(b) The tank must be removed; and

(c) The remaining excavation must be filled with debris-free sand, or other granular or soil material that is compacted, to prevent settling.

(Ord. 4-2003, passed 7-14-2003)

## ***SEWER USAGE***

### **§ 50.20 DEFINITIONS.**

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

***BIOCHEMICAL OXYGEN DEMAND (BOD).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.



**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 5 feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer.

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

**FLOAT ABLE OIL.** Oil, fat, or grease in a physical state so that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of FLOAT ABLE oil if it is properly pretested and the wastewater does not interfere with the collection system.

**GARBAGE.** The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**INDUSTRIAL WASTES.** The wastewater from industrial processes, trade, or business as distinct from domestic sanitary wastes.

**MAY.** Permissive.

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

**NORMAL DOMESTIC WASTES.** Sanitary wastes which do not exceed 250 mg/l BOD, 250 mg/l SS or 30 mg/l ammonia in strength; phosphorus in excess of 4 mg/l; and fats, wax grease, or oils, collectively, whether emulsified or not, in excess of 100 mg/l.

**N.P.D.E.S. PERMIT.** A permit obtained from the State of Indiana by the Town of Monrovia to discharge treated wastewater of the wastewater facilities into a watercourse.

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

**pH.** The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food, that have 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 1/2 inch (1.27 centimeters) in any dimension.

**SANITARY SEWER.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**SHALL.** Mandatory.

**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 15 minutes, more than 5 times the average 24-hour concentration, or flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STORM DRAIN.** A drain for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**SUPERINTENDENT.** The Superintendent of the wastewater treatment works of the Town of Monrovia, or his or her authorized deputy, agent, or representative.

**SUSPENDED SOLIDS.** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, and referred to as nonfilterable residue.

**TOXIC POLLUTANTS.** Concentrations of any pollutant, or combination of pollutants, defined in standards issued pursuant to § 307 of the Clean Water Act (as amended).

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

**WASTEWATER.** The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

**WASTEWATER FACILITIES.** The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT WORKS.** Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the

treatment process or is used for ultimate disposal of residues resulting from the treatment (including land for composting sludge, temporary storage of the compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

***WATERCOURSE.*** A natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 12-1999, passed 9-27-1999)

### **§ 50.21 USE OF PUBLIC SEWERS REQUIRED.**

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

(B) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any wastewater or other polluted waters, except where suitable treatment has been provided, in accordance with subsequent provisions of this ordinance.

(C) 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 wastewater.

(D) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be 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 the facilities to the proper public sewer in accordance with the provisions of this subchapter, within 90 days after date, of official notice to do so, provided that the public sewer is within 300 feet of the property line.

(Ord. 12-1999, passed 9-27-1999)

### **§ 50.22 BUILDING SEWERS AND CONNECTIONS.**

(A) No unauthorized person(s) shall uncover, make any connections, or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the Superintendent. The permission shall be subject to the existence of sufficient hydraulic and/or treatment capacities of the wastewater treatment facilities as determined by the Superintendent.

(B) (1) There shall be 2 classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the owner(s), or his or her agent, shall make application on a special form furnished by the Superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in judgment of the Superintendent. A permit and inspection fee of \$300 for residential or commercial building sewer permit, and \$500 for an industrial building sewer permit, shall be paid to the Superintendent at the time the application is filed.

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

(D) A separate and independent building sewer shall be provided for every building; except where 1 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 front building may be extended to the rear building and the whole considered as 1 building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to all criteria of § 50.26 of this chapter. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPC Manual of Practice No. 9 shall apply.

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

(G) (1) No person(s) shall make connection of roof downpours, foundation drains, areaway drains, sump pumps, basement or yard drains, or other sources of surface runoff or groundwater, to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer; and

(2) Any connection to a private sewage disposal system, which existed prior to the availability of public sewers, shall be removed from the building sewer prior to connection with the public sewer.

(H) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code, or other applicable rules and regulations of the town, or the

procedures set forth in appropriate specifications of the ASTM and the WPC Manual of Practice No. 9. All connections shall be made gaslight and watertight and verified by proper testing. 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 Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent, or his or her representative. The applicant shall provide access to all structures (and areas of structures) to the Superintendent for the purpose of establishing compliance with division (G) above.

(J) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.  
(Ord. 12-1999, passed 9-27-1999)

### **§ 50.23 DISCHARGES; REQUIREMENTS.**

(A) No person(s) shall discharge, or cause to be discharged, any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, sump pumps, basement or yard drain, or cooling water to any sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

(B) Storm water other than that exempted under division (A) above, and all other unpolluted drainage, shall be discharged to the sewers as are specifically designated storm sewers, to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.

(C) No person(s) 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 containing toxic substances or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, including but not limited to, causing the town to violate its N.P.D.E.S. permit(s), constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

(3) Any waters or wastes having a pH lower than 6, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works;  
or

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

(D) The following described substances, materials waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his or her opinion that more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability, the Superintendent will give consideration to the factors as the quantity of subject waste in relation to flows and velocities in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of tractability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- (1) Wastewater having a temperature higher than 150°F (65°C);
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin;
- (3) Wastewater from industrial plants containing FLOAT ABLE oils, fats, or grease;
- (4) Any garbage that has not been properly shredded as defined in § 50.20. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to a degree that any material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for those materials;
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent;
- (7) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
- (8) Quantities of flow, concentrations, or both which constitute a slug as defined herein;

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to the degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

(10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;

(11) Any water or wastes subject to the categorical pretreatment standards pursuant to Title 40 C.F.R. part 403;

(12) Any water or wastes exceed the following parameters:

- (a) BOD5: 250 mg/l;
- (b) SS: 250 mg/l;
- (c) Ammonia: 30 mg/l;
- (d) Phosphorus: 4 mg/l; and
- (e) Fats, wax, grease and oils: 100 mg/l.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D) above, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge and/or;
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing sewer charges.

(2) When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

(F) (1) Grease, oil, and sand interceptors, separate and distinct from the septic tank component of the building sewer, shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing FLOAT ABLE grease in excessive amounts, as specified in division (D)(3), or any flammable wastes, sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms; and

(2) The Superintendent may determine whether the suitable septic tank required as a component of the building sewer will satisfy the requirements for an interceptor(s).

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

(H) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(I) The Superintendent may require a user of sewer services to provide information needed to determine compliance with this subchapter. These requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period;
- (2) Chemical analyses of wastewater;
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality;
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;



(6) Details of wastewater pretreatment facilities; and

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewers.

(J) All measurements, tests, and analyses of the characteristics of waters 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. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

(K) (1) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any user whereby a waste of unusual strength or character may be accepted by the town for treatment.

(2) Any wastes described in division (C)(1) and (2) are precluded from these agreements.  
(Ord. 12-1999, passed 9-27-1999)

**§ 50.24 DAMAGE TO PUBLIC SEWERS.**

No person(s) shall intentionally or knowingly break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest.  
(Ord. 12-1999, passed 9-27-1999)

**§ 50.25 INSPECTORS; POWERS AND AUTHORITY.**

(A) The Superintendent and other duly authorized employees of the wastewater facilities bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this subchapter.

(B) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to

the town's employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in § 50.23(H).

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

(Ord. 12-1999, passed 9-27-1999)

#### **§ 50.26 TECHNICAL REQUIREMENTS.**

Septic tanks serving as a component of the building sewer shall be installed, constructed and maintained in accordance with applicable portions of 410 I.A.C. 6-8-1 *et seq.* A septic tank so installed, constructed and maintained, shall be considered suitable for use as a component of a building sewer. Two copies of 410 I.A.C. 6-8-1 *et seq.* are on file in the office of the Town Clerk-Treasurer.

(Ord. 12-1999, passed 9-27-1999)

#### **§ 50.27 APPEALS.**

Any person who believes himself or herself aggrieved through the enforcement of this subchapter has the right to seek administrative relief before the Town Council.

(Ord. 12-1999, passed 9-27-1999)

### ***RATES AND CHARGES***

#### **§ 50.40 NECESSITY OF CHARGES.**

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the town to collect charges from all users who contribute wastewater to the town's Treatment Works. The proceeds of the charges so derived will be used for the purpose of operating and maintaining the public Treatment Works.

(Ord. 11-1999, passed 9-27-1999)

**§ 50.41 DEFINITIONS.**

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

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter (mg/l).

**COMMERCIAL USER.** All retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

**GOVERNMENTAL USER.** Legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

**INDUSTRIAL USER.** Any non-governmental, non-residential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A - Agriculture, Forestry, and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary; and Division I - Services.

**INSTITUTIONAL USER.** Social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

**MAY.** Permissive.

**NORMAL DOMESTIC WASTEWATER.** Wastewater that has a BOD concentration of not more than 250 mg/l and a suspended solids concentration of not more than 250 mg/l and ammonia in excess of 30 mg/l; phosphorus in excess of 4 mg/l; and fats, wax, grease, or oils, collectively, whether emulsified or not, in excess of 100 mg/l. Additional charges for treating stronger-than-normal domestic sewage shall be made as set out in § 50.43.

**OPERATION AND MAINTENANCE.** Those functions that result in expenditures during the useful life of the Treatment Works for materials, labor, utilities and other items which are necessary for managing, and which these works were designed and constructed. The term **OPERATION AND MAINTENANCE** includes replacement, as hereinafter defined.

**REPLACEMENT.** 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 these works were designed and constructed.

**RESIDENTIAL USER.** Any contributor to the Town's Treatment Works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

**SHALL.** Mandatory.

**SUSPENDED SOLIDS (SS).** Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

**TOXIC POLLUTANTS.** Concentrations of any pollutant or combination of pollutants defined in standards issued pursuant to § 307 of the Clean Water Act (as amended).

**TREATMENT WORKS.** Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process, or is used for ultimate disposal of residues resulting from this treatment (including land for composting sludge, temporary storage of the compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

**USEFUL LIFE.** The estimated period during which a treatment works will be operated.

**USER CHARGE.** That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the Treatment Works.

(Ord. 11-1999, passed 9-27-1999)

#### **§ 50.42 OPERATION AND MAINTENANCE FUND; DESIGNATION OF MONIES..**

(A) The revenues collected, as a result of the user charges levied for operation and maintenance, shall be deposited in a separate, non-lapsing fund known as the Operation and Maintenance Fund.

(B) Fiscal year-end balances in the Operation and Maintenance Fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the Operation and Maintenance Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted so that the transferred monies will be returned to their respective accounts within 6 months of the fiscal year in which the monies were borrowed.

(Ord. 11-1999, passed 9-27-1999)

**§ 50.43 MONTHLY FEES; SURCHARGES; CREDITS.**

(A) Each user or any person, business or institution that is, pursuant to I.C. 36-9-23-30 required to be connected to Monrovia’s Wastewater Treatment Plant, shall pay for the services provided by the Treatment Works, whether or not said person, business, or institutional facility is actually connected to the line, based on a flat fee (or other appropriate methods) acceptable to the Council.

(B) For residential, industrial, institutional and commercial users, monthly user charges will be based on a flat fee, unless after proper publication and public hearing, the town decides to establish rate(s) or rate structure.

(C) Each user shall pay a flat fee based on the following schedule:

Monthly charge for sewer service:

Residential Customer	\$56.73
Commercial Customer (non-residential)	\$56.73
School rate	\$1,925.00 <sup>1</sup>

<sup>1</sup> Less: Library rate of \$56.73. Net monthly rate is \$1,868.27

(D) (1) For those users whose wastewater has a greater strength than normal domestic sewage, a surcharge, in addition to the normal user charge, will be collected. The surcharge for operation and maintenance including replacement is:

- (a) \$.50 per pound BOD, in excess of 250 mg/l;
- (b) \$.50 per pound SS, in excess of 250 mg/l;
- (c) \$.60 per pound ammonia, in excess of 30 mg/l;
- (d) \$1.50 per pound phosphorus in excess of 4 mg/l; and

(e) \$.25 per pound fats, wax, grease, or oils, collectively, whether emulsified or not in excess of 100 mg/l.

(2) The determination of suspended solids, biochemical oxygen demand, ammonia, phosphorus, and fats, wax, grease, or oils, whether emulsified or not, 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*, Title 40 C.F.R. part 136, as hereinafter amended, supplemented, or replaced.

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(E) Any user which discharges any Toxic Pollutants which cause an increase in the cost of managing the effluent of the sludge from the Town's Treatment Works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the Treatment Works, shall pay for the increased costs. The charge to each user shall be as determined by the appropriate financial personnel and approved by the Council.

(F) The user charge rates established in this section apply to all users of the Treatment Works.

(G) *Credit card payments and convenience fees.* IC 36-1-8-11 allows a municipality to accept credit cards as a method of payment for utility services. IC 36-1-8-11 also states that if a transaction fee is billed to the municipality owned utility's account, an official fee and a reasonable convenience fee may be charged. The town hereby charges the following fees:

(1) For a bill up to the amount of a standard one month wastewater service charge, a convenience fee of \$3.00 shall be charged to the customer.

(2) For amounts above a standard one month wastewater service charge, an official fee of \$1.50 per partial or full month equivalent shall be charged to the customer.

### *Fee Schedule*

\$0.01 to \$56.73	\$3.00 Convenience Fee shall be charged
\$56.74 to \$113.46	\$3.00 Convenience Fee and \$1.50 Official Fee shall be charged
\$113.47 to \$170.19	\$3.00 Convenience Fee and \$3.00 Official Fee shall be charged
Each additional \$0.01 to \$56.73	An additional \$1.50 Official Fee shall be charged to the amounts above

(Ord. 11-1999, passed 9-27-1999; Am. Ord. 2-01, passed 2-26-2001; Am. Ord. 02-2002, passed 3-1-2002; Am. Ord. 3-25-2003; Am. Ord. passed 4-14-2003; Am. Ord. passed 8-25-2003; Am. Ord. passed 9-12-2005; Am. Ord. 3-2009, passed 10-26-2009; Am. Ord. 02-2015, passed 6-22-2015)

### **§ 50.44 BILLING PROCEDURES; COLLECTION.**

(A) All users shall be billed monthly. Billings for any particular month shall be made within 10 days after the end of the month. Payments are due within 20 days after the end of the month. Any payment not received within 30 days after the end of the month shall be delinquent.

(B) A late payment penalty of 10% of the user charge will be added to each delinquency. When any bill is more than 90 days in default, water and/or sewer service to the premise may be discontinued until the bill is paid, and the town may pursue all other legal remedies to recover the amount owed. If legal action is necessary, jurisdiction shall be in the county, and attorneys' fees, pre- and post-judgment interest are recoverable.

(C) When any bill (including interest and penalty) remains unpaid for 6 months after the date due, the bill shall be recorded in the land records of the Morgan County Recorder's Office by the Clerk-Treasurer of Monrovia, and shall constitute a lien on the property. If the lien (including interest and penalty) remains unpaid after date of recordation, the property shall be subject to public sale by the Sheriff of Morgan County.

(Ord. 11-1999, passed 9-27-1999; Am. Ord. passed 8-25-2005; Am. Ord. passed 9-12-2005)

#### **§ 50.45 REPORT OF WASTEWATER CHARACTERISTICS.**

All users contributing more than 10,000 gallons per month, and whose waste strength is greater than 250 mg BOD/l or 250 mg SS/l or 30 mg/l ammonia, shall prepare and file with the Council a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the user charge for that user. The Council shall have the right to gain access to the waste stream and take its own samples. Should the Council do so, and should the results be substantially different as determined by the Council from the data submitted by the user, the user charge for that user shall be revised for the next billing cycle/period.

(Ord. 11-1999, passed 9-27-1999)

#### **§ 50.46 WRITTEN REQUEST.**

(A) Any user who feels his or her user charge is unjust and inequitable, may make written application to the Council requesting a review of his or her user charge. The written request shall, where necessary, show the actual or estimated average flow and/or strength of his or her wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

(B) Review of the request shall be made by the Council and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

(Ord. 11-1999, passed 9-27-1999)

#### **§ 50.47 REVIEW OF CHARGES BY TOWN.**

(A) The Council will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

(B) The Council will notify each user at least annually of the rate or the portion of the total charge for wastewater treatment that is attributable to operation, maintenance including replacement of the Treatment Works.

(Ord. 11-1999, passed 9-27-1999)

#### **§ 50.48 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the town to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The town's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within 10 days of the mailing of the second bill, and is 30 days or more delinquent, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing, at which time he or she may be represented in person and by counsel, or any other person of his or her choosing, and may present orally, or in writing, his or her complaint and contentions to the town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered, or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$20.

#### **§ 50.99 PENALTY.**

(A) If anyone violates any provision of this chapter for which no specific penalty is provided, they shall be subject to § 10.99 of this code.



(B) (1) Any person found to be violating any provision of §§ 50.20 *et seq.*, except § 50.24, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory corrections thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation (other than a violation of § 50.23(A)), beyond the time limit provided for in division (B) (1) above, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount no less than \$50, and not exceeding \$500, for each violation. Each day in which any the violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of §§ 50.20 *et seq.*, shall become liable to the town for any expense, loss, or damage occasioned the town by reason of the violation.

(4) (a) Any person violating § 50.23(A) , shall be subjected to a penalty of \$50 per month (or fraction thereof in which the violation occurs);

(b) A person may avoid payment of the penalty by consenting to an inspection described in § 50.22(I), for the purpose of establishing compliance with § 50.23(A); and

(c) A person consenting to an inspection and found in violation shall be given 90 days to comply with § 50.23(A), without being subjected to penalty.  
(Ord. 12-1999, passed 9-27-1999)

