

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL REGULATIONS

51. SOLID WASTE

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CHAPTER 50: GENERAL REGULATIONS

Section

- 50.01 Removal from Utility Regulatory Commission
- 50.02 Monthly billing for water and sewer; late penalties

§ 50.01 REMOVAL FROM UTILITY REGULATORY COMMISSION.

The town hereby adopts this section removing the municipal water utility from jurisdiction of the Utility Regulatory Commission of the State of Indiana.
(Ord. 97-12-09, passed - -)

§ 50.02 MONTHLY BILLING FOR WATER AND SEWER; LATE PENALTIES.

(A) Charges to water and sewer usage shall be billed on a monthly basis. Bills will be issued on the first of each month and shall have a due date on the fifteenth of each month.

(B) Any monthly invoices not paid by the twenty-sixth day of the month will incur a penalty of 10%.

(C) Effective date of this section is August, 2000.
(Ord. 00-7-11, passed 7-11-2000)

CHAPTER 51: SOLID WASTE

Section

General Provisions

- 51.01 Definitions
- 51.02 Uncovered garbage
- 51.03 Wind-blown refuse
- 51.04 Deposits on streets
- 51.05 Containers required

excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery and other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles.

Collection

- 51.15 Garbage collection fee established
- 51.16 Monthly charge

- 51.99 Penalty

(2) **REFUSE** shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

(1983 Code, § 6-19(a)) (Ord. 73-1, passed 3-5-1973)
Penalty, see § 51.99

GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

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

ASHES. Residue from fires used for cooking and for heating buildings.

GARBAGE. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

REFUSE.

(1) Combustible trash, including but not limited to paper, cartons, boxes, barrels, wood,

§ 51.02 UNCOVERED GARBAGE.

It shall be unlawful to place or permit to remain anywhere in the town any garbage or other material subject to decay other than leaves or grass, except in a tightly covered metal or plastic container.

(1983 Code, § 6-19(b)) (Ord. 73-1, passed 3-5-1973)
Penalty, see § 51.99

§ 51.03 WIND-BLOWN REFUSE.

It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of a material that can be blown away by the wind anywhere in the city, except in a covered container.

(1983 Code, § 6-19(c)) (Ord. 73-1, passed 3-5-1973)
Penalty, see § 51.99

§ 51.04 DEPOSITS ON STREETS.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the town; provided, that this section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this subchapter preparatory to having the material collected and disposed of in the manner provided herein.

(1983 Code, § 6-19(d)) Penalty, see § 51.99

§ 51.05 CONTAINERS REQUIRED.

All garbage, refuse and ashes for collection by the town shall be placed in metal or plastic containers equipped with a cover and equipped with handles or a similar device so that they may be lifted and carried by 1 person. No such container shall have a capacity of less than 10 gallons or more than 30 gallons.

(1983 Code, § 6-19(e)) (Ord. 73-1, passed 3-5-1973) Penalty, see § 51.99

(B) The fee for garbage collection for nonresidents within the town boundaries shall be billed quarterly by the Clerk-Treasurer.

(Ord. 99-5-11, passed 5-11-1999)

Cross-reference:

Water and sewer billing, see § 50.02

§ 51.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person, firm or corporation violating any provisions of §§ 51.01 through 51.05 shall be fined not less than \$5 nor more than \$200 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1983 Code, § 6-19(f)) (Ord. 73-1, passed 3-5-1973)

COLLECTION**§ 51.15 GARBAGE COLLECTION FEE ESTABLISHED.**

The Town Council has determined that a monthly cost of \$5.50 per residence or apartment unit should be assessed, commencing on September 1, 2003.

(Ord. 99-5-11, passed 5-11-1999; Am. Ord. 2003-8-12, passed 8-12-2003)

§ 51.16 MONTHLY CHARGE.

(A) The Council resolved that the monthly fee for garbage collection for residents of the town shall be added on to the monthly water and sewage statements.

CHAPTER 52: WATER REGULATIONS

Section

Fees and Charges

- 52.01 Determination of charges
- 52.02 Charges for quarterly usage
- 52.03 Minimum charge
- 52.04 Fire protection services
- 52.05 Sprinkler connection charges
- 52.06 Tap charges
- 52.07 Collection and deferred payment charges
- 52.08 Billing frequency
- 52.09 Conditions for requested water service disconnection
- 52.10 Meter deposit charge
- 52.11 Late fee
- 52.12 Service reconnect charge
- 52.13 Insufficient funds charge

(B) Charges for quarterly usage shall be as follows:

<i>Quarterly Usage</i>	<i>Rate per cubic foot</i>
First 2,000 cubic feet	\$.0243
Next 4,000 cubic feet	.0216
Next 6,000 cubic feet	.0189
Over 12,000 cubic feet	.0135

(C) Effective date of this section is January 1, 2002.
 (1983 Code, § 9-22) (Ord. 81-2-9, passed - -1981;
 Am. Ord. 99-2-9, passed 2-9-1999; Am. Ord. 12-11-2001(A), passed - -)

FEES AND CHARGES

§ 52.01 DETERMINATION OF CHARGES.

The use of and the service rendered by the waterworks system of the town shall be based on the use of water supplied by the waterworks system.
 (1983 Code, § 9-21) (Ord. 81-2-9, passed - -1981)

§ 52.02 CHARGES FOR QUARTERLY USAGE.

(A) Just and equitable fees must be established to maintain the waterworks in a sound physical and financial condition necessary to render adequate and efficient service.

§ 52.03 MINIMUM CHARGE.

(A) Each user shall pay a minimum charge in accordance with the applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<i>Type</i>	<i>Minimum/ Cubic feet</i>	<i>Per Quarter</i>
Residential	0-750	\$12.16
Commercial	0-2,000	32.20
Government, schools, churches and civic organizations	0-750	12.16
Industrial	0-2,000	32.30

(B) Effective date for this section is February 9, 1999.
 (1983 Code, § 9-23) (Ord. 81-2-9, passed - -1981; Am. Ord. 99-2-9, passed 2-9-1999)

§ 52.04 FIRE PROTECTION SERVICES.

Hydrant rental shall be as follows:

(A) Municipal hydrants, per hydrant, per annum: \$72;

(B) Private hydrants, per hydrant, per annum: \$72; and

(C) Hydrants located outside of the city limits: Customers using hydrants outside the limits of the town will be charged \$5.40 per quarter to defray the cost of providing and maintaining the hydrant.
 (1983 Code, § 9-24) (Ord. 81-2-9, passed - -1981)

§ 52.05 SPRINKLER CONNECTION CHARGES.

Sprinkler connection charges shall be as follows:

<i>Size of Connection</i>	<i>Per Annum Charge</i>
1-1/2 inch	\$18.06
2 inch	36.00
2-1/2 inch	54.00
3 inch	72.00
4 inch	90.00
6 inch	108.00
8 inch	192.00
10 inch	300.00

(1983 Code, § 9-25) (Ord. 81-2-9, passed - -1981)

§ 52.06 TAP CHARGES.

A tap charge shall be collected from each customer, prior to connection to the water system, in

an amount sufficient to reimburse the town for labor, material and overhead necessary for tapping the main, installation of service from the main to the property line (including the curb stop), and the cost of furnishing and installing a suitable water meter. The tap charge for the minimum 5/8-inch to 3/4-inch tap shall be \$300, and the minimum charge for all larger connections shall be \$300.

(1983 Code, § 9-26) (Ord. 81-2-9, passed - -1981)

§ 52.07 COLLECTION AND DEFERRED PAYMENT CHARGES.

All bills for water services not paid within 15 days from the due date thereof, as stated in the bills, shall be subject to the collection or deferred payment charge of 10% on the first \$3 and 3% on the excess over \$3.

(1983 Code, § 9-27) (Ord. 81-2-9, passed - -1981)

Cross-reference:

Billing, late fees, see § 50.02

§ 52.08 BILLING FREQUENCY.

The rates and charges shall be billed quarterly by the town based upon quarterly meter readings.

(1983 Code, § 9-28) (Ord. 81-2-9, passed - -1981)

Cross-reference:

Billing frequency, see § 50.02

§ 52.09 CONDITIONS FOR REQUESTED WATER SERVICE DISCONNECTION.

In the event a property owner wishes to have his or her water service discontinued to a particular property, the town will discontinue water service to the property only upon the following conditions:

(A) Written request of property owner;

(B) Agreement by property owner to pay minimum sewage charge during period of time water service is discontinued; and

(C) Agreement by property owner to indemnify the town against any claims of a tenant, if any, resulting from the discontinuance of the water service. (1983 Code, § 9-29) (Ord. 67-4, passed 3-6-1967)

§ 52.10 METER DEPOSIT CHARGE.

The meter deposit charge for the municipal water utility per applicable account is \$150. (Ord. 2002-02-01, passed 2-11-2002)

§ 52.11 LATE FEE.

A penalty of 10% shall be assessed if not paid on or before the close of business on the fifteenth day of each month. (Ord. 2002-02-01, passed 2-11-2002)

§ 52.12 SERVICE RECONNECT CHARGE.

Service that was shut off for nonpayment will be assessed a \$20 charge for a service reconnect. (Ord. 2002-02-01, passed 2-11-2002)

§ 52.13 INSUFFICIENT FUNDS CHARGE.

Any check issued in payment to the municipal water utility for any reason and returned to the water utility for reason of insufficient funds shall be charged to the customer at a rate of \$20 per incident. (Ord. 2002-02-01, passed 2-11-2002)

CHAPTER 53: SEWER REGULATIONS

Section

General Provisions

- 53.01 Designation of party responsible for payment
- 53.02 Definitions

Rates and Charges

- 53.15 Sewage rates and charges; minimum monthly charge
- 53.16 Charges for customers obtaining water from another source
- 53.17 Charges for customers who use town water and water from another source
- 53.18 Customers using over 9,000 cubic feet per quarter
- 53.19 Residential lots using a single water meter
- 53.20 Apartments using a single water meter
- 53.21 Trailer parks
- 53.22 Charges based on volume, strength and character
- 53.23 Sprinkling rates
- 53.24 Billing procedure
- 53.25 Authority to make bylaws and regulations
- 53.26 Connection charges
- 53.27 Exemption of uncontaminated water
- 53.28 Leaks

Cross-reference:

Billing frequency, see § 50.02

GENERAL PROVISIONS

§ 53.01 DESIGNATION OF PARTY RESPONSIBLE FOR PAYMENT.

For the use of and 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 or building that is connected with the town’s sanitary sewage system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the town.
(1983 Code, § 9-1) (Ord. 64-12, passed 12-7-1964)

§ 53.02 DEFINITIONS.

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

INDUSTRIAL WASTE. Liquid waste or liquid-borne waste resulting from any commercial, manufacturing or industrial operation or process.

SANITARY WASTE. Waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried waste except industrial waste.
(1983 Code, § 9-11) (Ord. 64-12, passed 12-7-1964)

RATES AND CHARGES**§ 53.15 SEWAGE RATES AND CHARGES;
MINIMUM MONTHLY CHARGE.**

(A) The calculation of sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to that use, unless otherwise provided.

(B) Sewage service rates, based upon the amount of water used, shall be for all types: \$0.0662 per cubic foot.

(C) The minimum charge for sewage service shall be: \$13.04.
(Ord. 12-11-2001(B), passed 12-11-2001)

(D) For services rendered to the town, the town shall be subject to the same rates and charges herein described, or to charges and rates established in harmony therewith.
(Ord. 64-12, passed 12-7-1964)

(E) Rates and charges shall be based upon water usage as measured by a water meter to be installed by the user, with the installation being approved by the town.
(1983 Code, § 9-2) (Res. 2, passed 1-3-1966)

**§ 53.16 CHARGES FOR CUSTOMERS
OBTAINING WATER FROM ANOTHER
SOURCE.**

(A) In cases where the quantity of water obtained is from sources other than the water utility serving the town and is discharged into the public sanitary sewage system, rates and charges may be determined by the town in such a manner as the proper officers of the town shall elect, and the sewage services may be billed at the above appropriate rates.

(B) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewage

system, either directly or indirectly, is not a user of the water supplied by the water utility servicing the town, and the water used thereon or therein is not measured by a meter or is metered by a meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town in order to ascertain the rates of charge; or the owner or other interested party, at his or her expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement which is acceptable to the town for the determination of sewage discharge.
(1983 Code, § 9-3) (Ord. 64-12, passed 12-7-1964)

**§ 53.17 CHARGES FOR CUSTOMERS WHO
USE TOWN WATER AND WATER FROM
ANOTHER SOURCE.**

In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the town, and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town in order to ascertain the rates of charge; or the owner or other interested party, at his or her expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.
(1983 Code, § 9-4) (Ord. 64-12, passed 12-7-1964)

**§ 53.18 CUSTOMERS USING OVER 9,000
CUBIC FEET PER QUARTER.**

In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewage system, either directly or indirectly, and uses water in excess of 9,000 cubic feet per quarter, and it can be shown to the satisfaction of the town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the

owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the town for the determination of the sewage discharge.

(1983 Code, § 9-5) (Ord. 64-12, passed 12-7-1964)

§ 53.19 RESIDENTIAL LOTS USING A SINGLE WATER METER.

In the event 2 or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in that case, for billing purposes, the quantity of water used shall be averaged for each user, and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(1983 Code, § 9-6) (Ord. 64-12, passed 12-7-1964)

§ 53.20 APARTMENTS USING A SINGLE WATER METER.

(A) In the event 2 or more dwelling units such as apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in that case, billing shall be for single service in the manner set out in this chapter, except that the charge shall be not less than the number of dwelling units multiplied by the quarterly minimum charge for a 5/8- to 3/4-inch water meter.

(B) A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(1983 Code, § 9-7) (Ord. 64-12, passed 12-7-1964)

§ 53.21 TRAILER PARKS.

In the case of trailer parks discharging sanitary sewage, water or other liquids into the town's sanitary sewage system, either directly or indirectly, and which are users of water from the town's waterworks, and the quantity of water is measured by a single water meter, then in that case, billing shall be for a single service in the manner set out in this chapter, except that the charge shall be not less than the number of occupied trailer spaces multiplied by the quarterly minimum charge for a 5/8- to 3/4-inch water meter.

(1983 Code, § 9-8) (Ord. 64-12, passed 12-7-1964)

§ 53.22 CHARGES BASED ON VOLUME, STRENGTH AND CHARACTER.

(A) In order that the rates and charges may be justly and equitably adjusted to the services rendered, the town shall have the right to base its charges not only on volume, but also on the strength and character of the sewage and waste which it is required to treat and dispose of.

(B) The town shall have the right to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly into the town's sanitary sewage system in that manner and by that method as may be deemed practical in light of the conditions and attending circumstances of the case, in order to determine the proper charge.

(C) The proper officers of the town are authorized to prohibit the dumping of waste into the town's sewage system which in its discretion are deemed harmful to the operation of the sewage disposal works of the town.

(1983 Code, § 9-9) (Ord. 64-12, passed 12-7-1964)

§ 53.23 SPRINKLING RATES.

(A) In order that the domestic and residential users of sewage service shall not be penalized for

sprinkling lawns during the months of July, August and September, the billing for sewage services for residential and/or domestic users for the months of July, August and September shall be based upon the water usage for the previous months of April, May and June.

(B) In the event the water usage for the previous months of April, May and June, is greater than the water usage of the months of July, August and September, then the billing for sewage service shall be computed on the actual water used in the months for which the sewage service bill is being rendered.

(C) The domestic and/or sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a residence.

(D) The sprinkling rates shall not apply to any premises which are partially or wholly used for commercial or industrial purposes.

(E) In the event a portion of the premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in that case the water usage as registered by the water meter serving that portion of the premises used for residential purposes would qualify under the sprinkling rate.

(1983 Code, § 9-10) (Ord. 81-7-13, passed - -1981)

§ 53.24 BILLING PROCEDURES.

(A) The rates and charges shall be prepared and billed by the town and shall be collected in the manner provided by law and ordinance.

(B) The rates and charges may be billed to the tenant(s) occupying the property served unless requested in writing by the owners, but this billing shall in no way release the owners from liability in the event payment is not made.

(C) The owners of properties served which are occupied by tenants shall have the right to examine the collection records of the town for the purpose of determining whether the rates and charges have been paid by the tenants, provided that the examination shall be at the office in which the records are kept and during regular business hours.

(D) Billings shall be on a quarterly basis and shall be based upon the quantity of water used on or in the property or premises as measured by the water meter, unless otherwise provided.

(E) Water usage shall be determined from the meter readings as furnished by the water utility serving the town; provided, however, that the users shall be billed monthly for an amount equal to an estimated 1/3 of the amount of the rates and charges due for the quarter, which monthly bill shall be computed and estimated as prior quarterly billings, if any, or the minimum, whichever is greater. The actual quarterly billing shall be determined at the end of the third month of each quarter, and proper adjustment made for prior estimated payments which have been made during the quarter.

(F) Each user shall pay each monthly bill promptly upon receipt, and if a monthly bill is not paid within the time provided by law the same shall be deemed delinquent and shall be enforceable as provided by law.

(1983 Code, § 9-12) (Ord. 64-12, passed 12-7-1964)

Cross-reference:

Utility billing late fees, see § 50.02

§ 53.25 AUTHORITY TO MAKE BYLAWS AND REGULATIONS.

(A) The proper officers of the town shall make and enforce the bylaws and regulations as deemed necessary for the safe, economical and efficient management of the sewage works, including the sewer system and the treatment plant, for the construction and use of house sewers and connections to the sewer system, and for the regulation, collecting, rebating and refunding of rates and charges.

(B) Rates and charges shall become effective on the date that sewage is directed to the sewage plant for treatment.
(1983 Code, § 9-13) (Ord. 64-12, passed 12-7-1964)

§ 53.26 CONNECTION CHARGES.

(A) In the event of connection of property at the time of construction of the sanitary sewers being constructed from the proceeds of sewage works revenue bonds of the town, there shall be no connection charge for the privilege of connection to the sanitary sewer system of the town, provided the connection is made prior to the backfilling of the trench in which the sewer line is being laid.

(B) In the event of connection of property to a sanitary sewer after the trench has been backfilled, there shall be a connection charge of \$100 for the privilege of connection to the sanitary sewer system of the town.
(1983 Code, § 9-14) (Ord. 64-12, passed 12-7-1964)

§ 53.27 EXEMPTION OF UNCONTAMINATED WATER.

(A) The Town Council has determined it to be equitable to exempt uncontaminated water such as that used in air conditioning and cooling systems, if properly measured at user's expense.

(B) Meters to measure this uncontaminated water shall be purchased from the town, and the cost of the meter, installation, repair and maintenance of the meter shall be paid by the user.
(1983 Code, § 9-15) (Res. passed 4-5-1965)

§ 53.28 LEAKS.

In the event of a proven or obvious water leak occurring between the water meter and building in a manner that the leaked water does not enter the

sewage system, and provided the leak is stopped within a reasonable time, the sewage charge may be based on the normal water usage for that parcel of real estate.

(1983 Code, § 9-16)

Editor's note:

This legislation was passed as Reg. No. 1, Town Council Meeting, December 6, 1965.

