

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL PROVISIONS

51. WATERWORKS

52. SEWERS

CHAPTER 50: GENERAL PROVISIONS

Section

- 50.01 Authority to establish utility service
- 50.02 Authority to establish waterworks
- 50.03 Authority to regulate the disposal of sanitary sewage

§ 50.01 AUTHORITY TO ESTABLISH UTILITY SERVICE.

A town may furnish or regulate the furnishing of utility service to the public.
(`86 Code, § 9-1)

§ 50.02 AUTHORITY TO ESTABLISH WATERWORKS.

A town may regulate the furnishing of water to the public, and may establish, maintain and operate waterworks.
(`86 Code, § 9-2)

§ 50.03 AUTHORITY TO REGULATE THE DISPOSAL OF SANITARY SEWAGE.

(A) A town may regulate the furnishing of the service of collecting, processing and disposing of waste substances and domestic or sanitary sewage, which includes the power to fix the price to be charged for that service.

(B) A town may collect, process and dispose of waste substances and domestic or sanitary sewage, and may establish, maintain and operate sewers, sewage disposal systems, and systems to collect and dispose of waste substances.

(C) A town may impose fees to offset the cost incurred for administering a pretreatment program.
(`86 Code, § 9-3) (Am. Ord. 2008-3, passed 2-5-08)

CHAPTER 51: WATERWORKS

Section

- 51.01 Definition
- 51.02 Water rates
- 51.03 Filling swimming pools
- 51.04 Appeal procedure
- 51.05 Standards

§ 51.01 DEFINITION.

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

CONNECTION FEE. The payment required for the benefit or privilege of making a connection, directly or indirectly, to the town's waterworks system, which is to be paid in accordance with this chapter.

DEVELOPER. An owner of, or person acting on behalf of an owner to develop or improve property to be served by the municipal water utility.

EQUIVALENT DWELLING UNIT. A conversion of flows from non-residential use or multi-family units to flows equivalent to single-family dwelling(s). Generally, one **EQUIVALENT DWELLING UNIT** is equal to a 310 gallon per day usage rate.

INSPECTION FEES. The fee to reimburse the town for direct costs such as inspection, administration, and review, as well as any other costs incurred in processing the application and making the connection.

TAP FEES. The fees to reimburse the town for the direct costs associated with making a connection to the water main. The fee includes direct costs such as materials, labor, equipment, pavement replacement, inspection, administration, and review, as well as any other costs incurred in processing the application and making the connection. The fee does not include required back flow prevention devices and necessary metering equipment to meter the use of water by a user.

USER. The owner of any parcel of real estate to which water service is provided by the town, whether such property is owner occupied or occupied by a tenant of the owner.
(`86 Code, § 9-17) (Ord. 95-6, passed 10-3-95; Am. Ord. 97-1, passed 4-1-97; Am. Ord. 2001-10, passed 12-4-01; Am. Ord. 2005-1, passed 8-2-05)

§ 51.02 WATER RATES.

That there shall be and there are hereby established for the use of and the service rendered by the waterworks system of the town, the following rates and charges, based upon the use of water supplied by said waterworks system. For the purpose of this section, the term *USER* shall be defined as the owner of any parcel of real estate to which water service is provided by the town, whether such property is owner-occupied or occupied by a tenant of the owner.

(A) *Non-metered rates.* Unmetered users of the water facilities, including single-family dwellings, each separate apartment unit within an apartment building, and single-family mobile homes, whether situated in a mobile home park or on a separate lot, shall each pay a minimum monthly user fee of \$16.50.

(B) *Metered rates.* All metered users of the water facilities of the town shall pay a fee based upon the following schedule:

<i>Gallons of Water Used Per Month</i>	<i>Rate Per 1,000 Gallons</i>
0 to 3,000	\$6.12
3,001 to 6,000	\$5.00
6,001 to 10,000	\$3.88
10,001 to 25,000	\$3.57
25,001 and over	\$3.26

<i>Size of Water Service</i>	<i>Minimum Monthly Charge</i>
³ / ₄ -inch meter	\$12.24
1-inch meter	\$23.00
2-inch meter	\$66.00
3-inch meter	\$91.00
4-inch meter	\$132.00
5-inch meter	\$160.00
6-inch meter	\$197.00

(C) *Special services.* Charges for water furnished for special services shall be computed as follows:

- (1) Municipal hydrant rental shall be the sum of \$100 per hydrant per year.

(2) Stand by sprinkler services shall be as follows:

<i>Size of Water Line</i>	<i>Charge Per Month</i>
4-inch	\$40
6-inch	\$60
8-inch	\$70

(3) All water used to fill swimming pools shall be reported to the Town Clerk-Treasurer and shall be billed in accordance with the above schedule under division (A).

(4) Each time it is necessary to turn a user's water on at the request of the customer or to reinstate service after service was terminated due to non-payment, the Town Clerk-Treasurer shall first collect a fee of \$10 from the user.

(D) (1) Prior to connecting to the town's waterworks system, a developer shall be required to pay a connection fee in the amount of \$600 per equivalent dwelling unit. Multi-family dwelling units and non-residential users shall be converted to an equivalent dwelling unit as determined by the type of user. The equivalent dwelling units assessed shall be in accordance with the equivalent dwelling unit table which is attached to Ordinance 2005-1. These fees will be used by the utility in the best interests of the utility and in accordance with the utility's policy but shall be primarily available to offset the costs of future extensions, modifications, and improvements to the town's waterworks system. Connection fees for fire sprinkler connection and for users not listed in the table or of unique character will be established by the Town Manager with any necessary assistance or input from the Supervisor of the Maintenance Department, subject to appeal in accordance with § 51.04. Replacements, improvements, additions and/or expansion project. In addition, the submission of false, fraudulent, inaccurate, or erroneous information by a user when applying for approval to make a connection to the town's waterworks system shall subject the user to being reassessed at any time the appropriate amount under this chapter for the connection fee. For a period of two years after occupancy, a developer shall be liable for and subject to being reassessed for any additional connection fees based upon the actual usage of the property if such actual usage would result in a larger connection fee being due and payable to the town.

(2) Connection fees are in addition to tap fees and user fees. These fees may be revised from time to time, as required by the town.

(3) If any new installation requires the installation of a meter pit, there shall be an additional charge by the Town Clerk-Treasurer to said user of the sum of \$150.

(4) All new users shall be approved by the Town Clerk-Treasurer and shall be required to make a \$50 cash deposit with the Town Clerk-Treasurer prior to being provided water service. This deposit may be refunded after, in the discretion of the Town Clerk-Treasurer, the user has established a satisfactory credit record or upon user's discontinuance of the use of the services provided by the

waterworks. If upon user's termination of the use of the services of the waterworks, there shall be an unpaid water account, then the Town Clerk-Treasurer may use such or all of the deposit to defray the outstanding balance of the user's water account.

(E) *Collection and deferred payment charge.*

(1) All bills for water services not paid by the twenty-fifth day of the month following the month in which the water service was provided shall be deemed to be delinquent. A delinquent fee of 10% of the monthly fee assessed for services provided for the previous month shall be charged on all accounts as they become delinquent. The delinquency fee shall not be compounded, but may be charged successively on the delinquent account each month, but only on the previous month's charges. The fees, the penalty, and a reasonable attorney's fee may be recovered by the Town Council in a civil action in the name of the municipality.

(2) All charges for water services shall be the responsibility of the owner of the real estate to which such service is provided whether such service is provided to the owner as occupant or the owner as landlord for tenant. The Town Clerk-Treasurer may, in his or her discretion, disconnect water service to any user whose account is more than 30 days delinquent and may further deny restoration of water service until this account shall be brought current. Any account not current at the time that parcel of real estate shall be sold may be certified to by the Town Clerk-Treasurer and recorded with the County Recorder, and except as otherwise prohibited by state statute, shall become a lien against the real estate to which such service was provided.

(F) *Other charges.*

(1) The charge for a situation not covered by the foregoing provisions of this section shall be dealt with by the Town Council on an individual basis to establish a rate which is fair and equitable under the circumstances. No exemption of any type shall be permitted unless first approved by the Town Clerk-Treasurer.

(2) All water sales shall be subject to any sales tax imposed by the State Department of Revenue.

(G) *Water usage.* The amount of water used by each user shall be determined by installation of meters and read-outs approved by the Water Department.

(H) (1) The tap fee for connecting a user to the town's water distribution system shall be \$1,000 for 3/4" and 1" connections. Tap fees for fire sprinkler connections and connection not listed herein will be established by the Supervisor of the Maintenance Department subject to appeal in accordance with § 51.04.

(2) Tap fees shall be in addition to connection fees and user fees. These fees may be revised from time to time, as required by the town.

(I) (1) The inspection fee for connecting a user to the town's water distribution system shall be \$400 for larger than 1" connections.

(2) Inspection fees shall be in addition to connection fees and user fees. These fees may be revised from time to time, as required by the town.

(J) The following payment schedule shall apply:

(1) Connection fees shall be paid in full at the time of application for such service and prior to work being started on such connection.

(2) Tap fees shall be paid in full at the time of application for such service and prior to work being started on such connection.

(3) Inspection fees shall be paid in full at the time of application for such service and prior to work being started on such connection.

(4) No connection to the water utility will be allowed prior to receipt by the town of all connection fees, tap fees and inspection fees required under this chapter.

(5) In the event an application for service is denied or the actual connection is not made, any connection fees, tap fees and inspection fees paid shall be refundable, without interest, to the applicant upon request. At the time a refund is made, any previously issued permit for such utility service under this chapter shall be rescinded.

(6) Permits for utility service issued under this chapter shall be valid for a period of one year from date of issuance.

(K) The connection fees, tap fees and inspection fees established by this chapter shall take effect with respect to applications for service filled on and after January 1, 2006.

(L) This chapter and the fees set out herein may be amended from time to time by the Town Council when conditions exist that indicate that the established charges are no longer equitable to customers of the municipal waterworks system or for developers of property connecting to said distribution system. (86 Code, § 9-16) (Ord. 97-1, passed 4-1-97; Am. Ord. 99-4, passed 3-30-99; Am. Ord. 2001-10, passed 12-4-01; Am. Ord. 2002-2, passed 3-5-02; Am. Ord. 2003-3, passed 11-4-03; Am. Ord. 2005-1, passed 8-2-05; Am. Ord. 2007-4, passed 6-5-07; Am. Ord. 2011-1, passed 1-4-11; Am. Ord. 2011-1, passed 1-4-11)

§ 51.03 FILLING SWIMMING POOLS.

(A) *Pool filled by owner.* When a private pool or other vessel is filled with water from the municipal water system of the town by means of any device which dispenses water which passes through

the individual homeowner's or business' water meter, the sewage surcharge shall not be imposed on the amount of water used to fill the pool or vessel, provided that the homeowner or business shall have first notified the Town Clerk-Treasurer of the plans to fill the pool or vessel using municipal water.

(B) *Pool filled by Town Fire Department.* When a private pool or other vessel is filled with water from the municipal water system of the town by means of using the services of the Town Volunteer Fire Department, the amount of water used by the Fire Department to fill the pool or vessel shall be measured by the Fire Department and the amount of the water used, together with the date of the fill and the name of the owner, shall be reported to the Clerk-Treasurer by the Fire Department. The Clerk-Treasurer shall charge the owner for the water used as a separate water charge. Any fee for the services of the Fire Department may be made separately by the Fire Department to the owner at the discretion of the Fire Department.

(Ord. 2002-14, passed 11-5-02)

§ 51.04 APPEAL PROCEDURE.

Any person, group, firm, company, partnership, corporation, limited liability company, limited liability partnership, or other organization adversely affected by the application of this chapter may present an appeal to the Town Council. The appeal shall be filed with the Town Clerk who shall forward a copy of the appeal to the Town Council. The appeal shall be submitted no later than 30 days after the adverse decision appealed from is made. The appeal shall be in such form and contain such information as the Town Council may prescribe from time to time, but shall in all instances contain a concise written statement explaining the nature of the appeal, identifying the issues involved, and presenting the position of the appellant. The Town Council shall review and consider the appeal as part of its regular public meeting schedule. Following the review and decision, the Town Council shall transmit to the Town Clerk, the Town Manager, and the Supervisor of the Maintenance Department a written report given its findings. It is specifically provided that the failure to apply for and seek any necessary permits as well as the failure to appeal any application of this chapter as provided under this section shall work as a bar in challenging this chapter or its requirements in court.

(Ord. 2005-1, passed 8-2-05)

§ 51.05 STANDARDS.

Any and all new waterworks utilities or improvements shall comply with the most current, specific and detailed listing of materials and construction methods for infrastructure, improvements, and standards of construction and design as adopted by the Town Council, and as provided by the *Town of Wakarusa Standards for Design and Construction of Public Works Projects*. In the event there is a conflict between any provision of this chapter and the town standards, the *Town of Wakarusa Standards for Design and Construction of Public Works Projects* shall apply.

(Ord. 2006-13, passed 11-8-06)

CHAPTER 52: SEWERS

Section

Sewage Works

- 52.01 Sewage rates
- 52.02 Specific conditions affecting charges
- 52.03 Strength and character of discharges
- 52.04 Definitions
- 52.05 Monthly billings
- 52.06 By-laws and regulations
- 52.07 Prohibited dumping of wastes
- 52.08 Private sewer connections
- 52.09 Appeal procedure

Sewer Connection Regulations

- 52.20 Definitions
- 52.21 Unauthorized interference prohibited
- 52.22 Permit; application; bond
- 52.23 Workmanship
- 52.24 Notice of proposed work and inspection
- 52.25 Specifications
- 52.26 Costs for damages
- 52.27 Public nuisance

- 52.99 Penalty

Cross-reference:

Abatement of public nuisances, see § 92.16

Public nuisances prohibited, see § 92.15

Regulation against unsanitary conditions, see § 92.40

SEWAGE WORKS**§ 52.01 SEWAGE RATES.**

(A) *Metered rates.* The rates and charges for users of the Wastewater Works who are (1) users of the waterworks of the town (the Waterworks) or (2) users of the Wastewater Works with such usage commencing on or after January 1, 1981, in which case such users shall be required to meter all water use by them, shall be based on the quantity of water used on or in the property or premises subject to the rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided. The water usage schedule on which the amount of the rates and charges shall be determined shall be as follows:

<i>Gallons Used Per Month</i>	<i>Rate Per 1,000 Gallons</i>
0 - 3,000	\$5.81
3,001 - 5,000	\$5.30
5,001 - 15,000	\$4.28
15,001 - 50,000	\$4.08
50,001 and over	\$3.77

(B) *Minimum charges.* Notwithstanding the provisions of division (A) above, the minimum charge for any service, where the user is a metered water consumer or otherwise required to meter all water used by the user from whatever source, shall be based on the size of the water meter and shall be as follows:

<i>Water Meter Size</i>	<i>Monthly Minimum Charge</i>
¾-inch or less	\$17.43
1-inch	\$24.00
2-inch	\$92.00
3-inch	\$145.00
4-inch	\$197.00
5-inch	\$250.00
6-inch	\$286.00

(Ord. 99-3, passed 3-30-99; Am. Ord. 2001-9; passed 12-4-01; Am. Ord. 2003-5, passed 11-4-03)

(C) (1) No unauthorized persons 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 Clerk-Treasurer.

(2) (a) Prior to connecting to the town's sanitary sewer facilities, a developer shall be required to pay a connection fee in the amount of \$800 per equivalent dwelling unit. Multi-family dwelling units and non-residential users shall be converted to an equivalent dwelling unit as determined by the type of user. The equivalent dwelling units assessed shall be in accordance with the equivalent dwelling unit table which is attached to Ordinance 2005-2. These fees will be used to offset costs for future expansion and improvements to the system. Connection fees for users not listed in the table or of unique character will be established by the Town Manager with any necessary assistance or input from the Supervisor of the Maintenance Department subject to appeal in accordance with § 52.09. Replacements, improvements, additions, and/or expansions of an existing facility or building which requires a building permit shall subject the user to the fees outlined in this chapter for the replacement, improvement, addition, and/or expansion project. In addition, the submission of false, fraudulent, inaccurate, or erroneous information by a user when applying for approval to make a connection to the town's sanitary sewer facilities shall subject the user to being reassessed at any time the appropriate amount under this chapter for the connection fee. For a period of two years after occupancy, a developer shall be liable for and subject to being reassessed for any additional connection fees based upon the actual usage of the property if such actual usage would result in a larger connection fee being due and payable to the town.

(b) Connection fees are in a addition to tap fees and user fees. These fees may be revised from time to time, as required by the town.

(3) 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.

(4) 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 building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town Inspector, to meet all requirements of this section.

(6) The size, slope, alignment, materials or 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.

(7) 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 the building drain shall be lifted by an approved means and discharged to the building sewer.

(8) 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.

(9) 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 the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Supervisor before installation.

(10) The applicant for the building sewer permit shall notify the Town 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 Town Inspector or his or her representative.

(11) 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. (⁸⁶ Code, § 9-7) (Ord. 92-11, passed 1-5-93)

(D) All users of the Wastewater Works who are not also users of the Waterworks or who are not otherwise required to meter their usage shall pay a minimum monthly fee for use of the Wastewater Works of \$34 per month. (Ord. 99-3, passed 3-30-99; Am. Ord. 2001-9, passed 12-4-01; Am. Ord. 2003-5, passed 11-4-03)

(E) No exemptions will be permitted to any user without the exemption having been first approved in writing by the Town Clerk-Treasurer.

(F) All water used for domestic purposes but which originates from private wells shall be metered with Rockwell meters and read-outs for the purpose of computing sewer usage charges in accordance with the terms of this section.

(G) All charges for municipal sewage services shall be the responsibility of the owner of the real estate to which the service is provided and shall be deemed delinquent if not paid by the twenty-fifth day of the month following the month in which the assessment for services accrues. A delinquent fee of 10% of the monthly fee assessed for services provided for the previous month shall be charged on all accounts as they become delinquent. The delinquency fee shall not be compounded, but may be charged successively on the delinquent account each month, but only on the previous month's charges. The fees, the penalty and a reasonable attorney's fees may be recovered by the Town Council in a civil action in the name of the municipality.

(H) Any user who shall notify the Town Clerk-Treasurer of his or her intention to use municipal water for sprinkling during the summer months of May, June, July and August shall pay a sewer fee for those months equal to the average sewer fee for that account for the three months immediately preceding the summer months. If there has been no activity on the account during those preceding three months, then the Clerk-Treasurer shall have the discretion to review the user's account for the prior 12 months and determine what the user's typical water usage has been on a monthly basis and use that information to establish the user's sewer fee during the summer months.

(I) The tap fee for connecting a user to the town's sanitary sewer system shall be \$1,200 per connection, which represents the direct charge for making the connection and providing the related services such as administration, review, and inspection. Tap fees shall be in addition to connection fees and user fees.

(J) The following payment schedule shall apply:

(1) Connection fees shall be paid in full at the time of application for such service and prior to work being started on such connection.

(2) Tap fees shall be paid in full at the time of application for such service and prior to work being started on such connection.

(3) No connection to the sewer utility will be allowed prior to receipt by the town of all connection fees and tap fees required under this chapter.

(4) In the event an application for service is denied or the actual connection is not made, any connection fees and tap fees paid shall be refundable, without interest, to the applicant upon request. At the time a refund is made, any previously issued permit for such utility service under this chapter shall be rescinded.

(5) Permits for utility service issued under this chapter shall be valid for a period of one year from the date of issuance.

(K) The connection fees and tap fees established by this chapter shall take effect with respect to applications for service filed on and after January 1, 2006.

(L) This chapter and the fees set out herein may be amended from time to time by the Town Council when conditions exist that indicate that the established charges are no longer equitable to customers of the municipal sewage system or for the developers of property connecting to said sewage system. (⁸⁶ Code, § 9-7) (Ord. 88-14, passed 10-4-88; Am. Ord. 2005-2, passed 8-2-05; Am. Ord. 2007-4, passed 6-5-07; Am. Ord. 2007-5, passed 6-5-07; Am. Ord. 2008-1, passed 2-5-08; Am. Ord. 2011-2, passed 1-4-11) Penalty, see § 52.99

§ 52.02 SPECIFIC CONDITIONS AFFECTING CHARGES.

(A) The quantity of water obtained from sources other than the municipal waterworks and discharged into the public sanitary sewer system may be determined by the town in a manner as the town shall elect, and the sewage treatment service 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 sewer system, either directly or indirectly, is not a user of the water supplied by the town's waterworks and the water used thereon or therein is not measured by a meter, or is measured 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 acceptable to the town for the determination of the sewage discharge.

(C) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewer system, either directly or indirectly, is a user of water supplied by the town's waterworks, and in addition uses water from another source which is not measured by a water meter, or is measured by a water meter not acceptable to the 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.

(D) 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 sewer system, either directly or indirectly, and uses water in excess of 15,000 gallons per month, 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 sewer 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 sewage discharge.

(E) In the event two or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each 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.

(F) In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto in the amount of one-half of the minimum charge per month for each dwelling unit over

one served through the single water meter. In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in the park plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(G) Sprinkling rates shall not apply to any premises which are partially or wholly used for industrial or commercial purposes. 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 meter, and in that case, the water usage as registered by the water meter serving the portion of the premises used for residential purposes would qualify under the sprinkling rate.

(H) Where a metered water supply is used for fire protection as well as for other uses, the town may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.

(I) For the service rendered to the town, the town shall be subject to the same rates and charges herein above provided or to rates and charges established in harmony therewith.
(`86 Code, § 9-8) (Ord. 68-4, passed 10-15-68)

§ 52.03 STRENGTH AND CHARACTER OF DISCHARGES.

(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 dispose of.

(B) The town shall have the right to enter the premises of any user to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly, into the town's sanitary sewer system in a manner and by a method as may be deemed practical in light of the conditions and attending circumstances of the case in order to determine the proper charge and compliance with the town sewer ordinance. Users shall allow the town ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the town shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The town shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operation.

(3) The town may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated prior to installation and monitored as necessary to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the town and shall be replaced. The costs of clearing such access shall be born by the user.

(5) Unreasonable delays in allowing the town access to the user's premises shall be a violation of this section.

(C) Any and all commercial and industrial installations shall be so controlled and/or treated as to the sewage strength that their effluent discharge to the town's sewers shall have:

(1) A BOD (biological oxygen demand) not to exceed 300 parts per million and suspended solids not to exceed 350 parts per million at any time.

(2) A phosphorus level, measured as total P, not to exceed 1.0 parts per million.

(3) An ammonia level not to exceed 2.0 parts per million.

(D) The National Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby adopted and incorporated by reference into this chapter and include amendments to those standards that occur hereafter as the same are published in the CFR with effective dates as fixed therein. State and local requirements and limitations on discharges shall be met by all dischargers when such requirements and limitations are more stringent than federal requirements and limitations.

(`86 Code, § 9-9) (Ord. 68-4, passed 10-15-68; Am. Ord. 2008-3, passed 2-5-08)

§ 52.04 DEFINITIONS.

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

CONNECTION FEE. The payment required for the benefit or privilege of making a connection, directly or indirectly, to the town's sewage collection system, which is to be paid in accordance with this chapter.

DEVELOPER. An owner of, or person acting on behalf of an owner to develop or improve property to be served by the municipal sewer utility.

EQUIVALENT DWELLING UNIT. A conversion of flows from non-residential use or multi-family units to flows equivalent to single-family dwelling(s). Generally, one equivalent dwelling unit is equal to a 310 gallon per day usage rate.

INDUSTRIAL WASTES. The liquid waste or liquid-borne waste resulting from any commercial, manufacturing or industrial operation or process. (Ord. 68-4, passed 10-15-68)

SANITARY SEWAGE. The 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 wastes except industrial wastes.

TAP FEES. The fees to reimburse the town for the direct costs associated with making a connection to the collector sewer. The fee includes direct costs such as materials, labor, equipment, pavement replacement, inspection, administration, and review, as well as any other costs incurred in processing the application and making the connection.

USER. The owner of record of any property served by the sewage works. If any of the property is occupied by a tenant, the owner of the property shall be considered the user of the services for purposes of this chapter.

(`86 Code, § 9-10) (Ord. 85-13, passed 11-5-85; Am. Ord. 2005-2, passed 8-2-05)

§ 52.05 MONTHLY BILLINGS.

The rates and charges shall be prepared and billed by the town monthly, as the town may deem appropriate and as determined by the by-laws and regulations of the town as hereinafter provided for, and shall be collected in the manner provided by law and ordinance. The rates and charges will be billed to the owner of the property whether the same is owner-occupied or tenant-occupied. The owners or tenants of any property served by the sewage works 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, provided that the examination shall be made in the office in which the records are kept and during the hours that the office is open for business.

(`86 Code, § 9-11) (Ord. 85-13, passed 11-5-85)

§ 52.06 BY-LAWS AND REGULATIONS.

The town shall make and enforce by-laws and regulations as may be deemed necessary for the safe, economic and efficient management of the town's sewer system and for the construction and use of industrial, commercial and residential sewers and connections to the sewer system, and for the regulation, collection, rebating and refunding of rates and charges.

(`86 Code, § 9-12) (Ord. 68-4, passed 10-15-68; Am. Ord. 2008-3, passed 2-5-08)

§ 52.07 PROHIBITED DUMPING OF WASTES.

(A) The town is authorized to prohibit dumping of wastes into the town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of the wastes to reduce the characteristics of waste satisfactory to the town. (Ord. 68-4, passed 10-15-68)

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

(C) 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, cooling water, unpolluted water, or unpolluted industrial water.

(D) Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use these storm sewers, however, without the specific permission of the town.

(E) 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 unpolluted water, except where suitable treatment has been provided in accordance with provisions of this section and the NPDES permit.

(F) 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 section and the NPDES permit.

(G) 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.

(H) Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid or gas of whatsoever kind or nature having a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(I) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, dough, wood, paunch manure, garbage, or any other solid or viscous substance with particles greater than one-half inch in any dimension or any material which can be disposed of as trash or is capable of causing obstruction to the flow in sewers or other interference with the proper operation of the POTW.

(J) Any waters or wastes having a pH lower than 5.0 or higher than 11.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the POTW.

(K) Any waste that has not been properly shredded.

(L) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW, impair a wastewater treatment process, or that would create any hazard in the receiving waters of the POTW.

(M) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Centigrade (104 degrees Fahrenheit).

(N) Any waters or wastes which may contain more than 100 mg/l fat, oil, or grease derived from a mineral or petroleum source as determined by test procedures approved by the EPA and the Control Authority or the discharge of any such materials derived from any source which will cause interference, pass through, or excessive accumulations of the same in any part of the POTW.

(O) Any noxious, malodorous or toxic gas or substance capable of creating a public nuisance. Any substance which can cause acute or chronic worker health and safety problems, a hazard to human life, prevents entry into the sewers or POTW for maintenance or repairs or creates a public nuisance.

(P) Any waters or wastes containing metallic ions.

(Q) Any waters or wastes containing TSS, phosphorus, ammonia-nitrogen, or BOD of such character and quantity that unusual operation, maintenance, supervision, attention and expenses would be required to handle such material by the POTW.

(R) Any residuals defined as a Hazardous Waste under 40 CFR 261.

(S) Any trucked or hauled pollutants, except at discharge points designated by the POTW. ([^]86 Code, § 9-13) (Ord. 92-11, passed 1-5-93; Am. Ord. 2008-3, passed 2-5-08) Penalty, see § 52.99

§ 52.08 PRIVATE SEWER CONNECTIONS.

(A) Any owner of a house, building or property used for human occupancy, employment, recreation or other purpose, situated within the town and abutting any street, alley or right of way in which there is located a public sanitary or combined sewer of the town, and who has a private sewage disposal or septic system installed according to the specifications of the County Health Department, shall not be required to connect his or her toilet facilities to the public sewer system of the town for so long as the owner's private system continues to function according to the current specifications of the County Health Department as determined by the town.

(B) In the event that the owner shall desire to engage in any activity which requires the expansion of his or her private sewage system, or in the event that the private system fails or, in the discretion of

the town, is no longer functional, the owner shall within 90 days after the date of official notice to do so, connect his or her toilet facilities, at his or her expense, to the proper public sewer in accordance with the provisions of Ord. 92-11.
(Ord. 2000-4, passed 9-5-00)

§ 52.09 APPEAL PROCEDURE.

Any person, group, firm, company, partnership, corporation, limited liability company, limited liability partnership, or other organization adversely affected by the application of this chapter may present an appeal to the Town Council. The appeal shall be filed with the Town Clerk who shall forward a copy of the appeal to the Town Council. The appeal shall be submitted no later than 30 days after the adverse decision appealed from is made. The appeal shall be in such form and contain such information as the Town Council may prescribe from time to time, but shall in all instances contain a concise written statement explaining the nature of the appeal, identifying the issues involved, and presenting the position of the appellant. The Town Council shall review and consider the appeal as part of its regular public meeting schedule. Following the review and decision, the Town Council shall transmit to the Town Clerk, the Town Manager, and the Supervisor of the Maintenance Department a written report given its findings. It is specifically provided that the failure to apply for and seek any necessary permits as well as the failure to appeal any application of this chapter as provided under this section shall work as a bar in challenging this chapter or its requirements in court.

(`86 Code, § 9-15a) (Ord. 92-11, passed 1-5-93; Am. Ord. 2005-2, passed 8-2-05)

SEWAGE CONNECTION REGULATIONS

§ 52.20 DEFINITIONS.

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

PERSON. Also includes firm, corporation, association or other entity.

SEWAGE. The combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The three most common types of sewage are:

(1) ***COMBINED SEWAGE.*** Includes sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

(2) **INDUSTRIAL SEWAGE.** The combination of liquid and water-carried wastes discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment including wastes from pretreatment facilities and polluted waters.

(3) **SANITARY SEWAGE.** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

SEWER. Includes all sewers under construction or constructed or maintained by the town, and includes all manholes, intercepting chambers or other appurtenances thereof. (Ord. 49-4, passed 9- -49)

SUPERVISOR OF SEWERS. The duly appointed Supervisor of Sewers of the town.

TOWN. The Town of Wakarusa, Elkhart County, Indiana.
(`86 Code, § 9-21)

§ 52.21 UNAUTHORIZED INTERFERENCE PROHIBITED.

No person not an authorized employee of the town shall make any connection with, uncover, alter or disturb any town sewer or open any manhole, intercepting chamber or any appurtenance thereof, without first obtaining a written permit to do so from the Supervisor of Sewers.
(`86 Code, § 9-22) (Ord. 49-4, passed 9- -49) Penalty, see § 52.99

§ 52.22 PERMIT; APPLICATION; BOND.

(A) A permit shall not be issued until the applicant or his or her agent has:

(1) Filed with the Town Clerk-Treasurer, after approval by the Supervisor of Sewers, a written application stating the work to be done, together with a description thereof or copy of plans and specifications, as the Supervisor of Sewers may require;

(2) A bond in a reasonable amount signed by a bonding company or resident property owner of the town may be required by the Supervisor of Sewers, which would be conditioned for performance of the work according to all ordinances and regulations of the town then in force, and in a manner as to leave all sewers and appurtenances, streets, alleys, sidewalks and pavements in a condition equally as good as before the work, and to indemnify and save harmless the town from all loss, damage and expense on account of the doing of the work and any accidents or damage caused by reason thereof; and

(3) Paid to the town a tap fee of \$1200 or the current fee as set forth in § 52.01(I) to cover the cost of issuance of permit and inspection of work and materials for connection to be made.

(B) No connection shall be made or connecting sewers constructed, except by a skilled and responsible person approved by the Supervisor of Sewers.

(`86 Code, § 9-23) (Ord. 49-4, passed 9- -49; Am. Ord. 2006-12, passed 10-3-06)

§ 52.23 WORKMANSHIP.

Any sewer builder or drain layer who shall fail, neglect or refuse to make good any defect or fault in any of his or her work done under any permit from the town shall not be permitted to do any further or other work under permit or permits until the defects or faults have been made good to the satisfaction of the Supervisor of Sewers; and any and all then existing permits in favor of the sewer builder or drain layer may be revoked and his or her bond enforced as to past defaults and then canceled.

(`86 Code, § 9-24) (Ord. 49-4, passed 9- -49)

§ 52.24 NOTICE OF PROPOSED WORK AND INSPECTION.

Notice must be given to the Supervisor of Sewers 24 hours prior to the beginning of work for any permit issued, and no materials shall be used or work covered until inspected and approved by the Supervisor of Sewers.

(`86 Code, § 9-25) (Ord. 49-4, passed 9- -49)

§ 52.25 SPECIFICATIONS.

All sewers hereafter constructed or connected directly with any sewer under construction or maintained by the town shall comply with the following specifications:

(A) Connections shall be made only at manholes, or other junction points as may be approved or designated by the town, and then only in a manner as may be directed by the Supervisor of Sewers.

(B) All sewers shall be of material of the best quality, approved by the Supervisor of Sewers and in accordance with the regulations of the town. All sewer lines shall be solidly laid, on a true grade, and as near as possible on a straight line, with as much fall as practicable, and all changes in direction made with properly curved pipe or at manholes. In all of the sewers designed to serve more than two dwelling houses, manholes of kind and material approved by the Supervisor of Sewers shall be constructed at all changes in grade or direction and on all straight runs at not more than 400 feet apart. Manholes on existing sewers may be required by the town.

(C) All excavations in public streets or alleys shall be properly braced or sheeted when necessary so as to prevent any caving, and when the work is finished, the excavation shall be backfilled by replacing earth or other materials by thorough tamping, flooding or other method required by the

Supervisor of Sewers to prevent any after settlement of the street or alley surface. Any damage after settlement occurring, notwithstanding, shall be repaired and made good by any sewer or drain layer doing the original work.

(D) Connections to sewer lines in paved streets shall be made by tunneling under pavement unless, in the opinion of the Supervisor of Sewers, it is feasible to do the same by cutting through the pavement. In either case, the backfilling must be thoroughly compacted into place in a manner and with materials as may be directed by the Supervisor of Sewers and any after settlement of pavement made good and restored by the holder of the permit for the work. All openings in sidewalks or streets, alleys or public ways shall be surrounded and sufficiently protected by barriers, with amber signal lights between sunset and sunrise, together with any additional precautions deemed necessary for protection of the public by the Supervisor of Sewers.

(E) In areas of new development, construction of separate storm and sanitary sewers is required.

(F) New construction tributary to an existing combined sewer shall be designed to minimize or delay the admission of unpolluted water to the existing combined sewer.

(G) For any new building, the inflow/clear water connection to a combined sewer shall be made separate and distinct from the sanitary sewage connection to facilitate disconnection of the former if a separate storm sewer subsequently becomes available.

(H) It shall be strictly prohibited to construct new combined sewers.

(I) The most current, specific and detailed listing of materials and construction methods for infrastructure, improvements, and standards of construction and design as adopted by the Town Council, and as provided by the *Town of Wakarusa Standards for Design and Construction of Public Works Projects*. In the event there is a conflict between any provision of this chapter and the town standards, the *Town of Wakarusa Standards for Design and Construction of Public Works Projects* shall apply. (⁸⁶ Code, § 9-26) (Ord. 49-4, passed 9- -49; Am. Ord. 2002-11, passed 6-4-02; Am. Ord. 2004-3, passed 4-6-04; Am. Ord. 2006-13, passed 11-8-06)

§ 52.26 COSTS FOR DAMAGES.

Any person violating any provisions of this subchapter shall become liable to the town for any damage or expense to the town occasioned by the violation.

(⁸⁶ Code, § 9-27) (Ord. 49-4, passed 9- -49)

§ 52.27 PUBLIC NUISANCE.

The violation of any of the provisions of §§ 52.21 or 52.25 is declared to be a public nuisance.

(⁸⁶ Code, § 9-28) (Ord. 49-4, passed 9- -49)

§ 52.99 PENALTY.

(A) Any person violating any provisions of this code for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any of the provisions of §§ 52.01 through 52.09 shall become liable to the town for any expense, loss or damage occasioned by the town by reason of the violation.

(C) Any person found to be violating any provisions of §§ 52.21 through 52.25 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 the notice, permanently cease all violations.

(D) Any person who shall continue any violation beyond the time limit provided for in this subchapter or the time limit provided for by the town, pursuant to division (B) above, as the case may be, shall be guilty of a violation and on a finding thereof shall be fined in an amount of at least \$1,000 but not exceeding \$2,500 for each violation. Each day in which any violation shall continue shall be deemed a separate offense. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Issuance of an administrative fine shall not be a bar against, or be a prerequisite for, taking any other action against the user.

(E) The town may, for good cause, suspend the wastewater treatment service and the wastewater discharge permit of a discharger when it appears to the town that an actual or threatened discharge presents or threatens an imminent danger to the health or welfare of persons or danger to the environment, interferes with the operation of the POTW, or violates any pretreatment limits imposed by this chapter or any wastewater discharge permit issued pursuant to this chapter. Any discharger notified of the suspension of the town's wastewater treatment service and/or the discharger's wastewater discharge permit, shall, within a reasonable period of time, as determined by the town, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the town shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The town shall reinstate the wastewater discharge permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(`86 Code, § 9-15) (Ord. 92-11, passed 1-5-93; Am. Ord. 97-6, passed 6-3-97; Am. Ord. 2008-3, passed 2-5-08)