

## **TITLE V: PUBLIC WORKS**

Chapter

- 50. GENERAL PROVISIONS**
- 51. REFUSE AND SANITATION**
- 52. ELECTRICITY**
- 53. WATER**
- 54. SEWERS**



## CHAPTER 50: GENERAL PROVISIONS

### Section

- 50.01 Utility deposits, utility reconnect fees and bad check fees for payment of utilities and the like
- 50.02 Address change; qualifications for non-deposit
- 50.03 Procedure for water and sewer charges
- 50.04 Policy for providing utilities to new residential developments
- 50.05 Owners of rental real estate responsible for tenant=s unpaid utility charges

### ***Cross-reference:***

*Conflict of interest, see ' 154.124*

### **' 50.01 UTILITY DEPOSITS, UTILITY RECONNECT FEES AND BAD CHECK FEES FOR PAYMENT OF UTILITIES AND THE LIKE.**

(A) *Utility deposits.* The following utility deposit rates shall be effective March 1, 2006.

<i>Homeowners and Rentals Paid by Landowner</i>	
Electric	\$100
Water	\$25
Sewer	\$75

<i>Rental Units Paid by Tenants</i>	
Electric	\$200
Water	\$50
Sewer	\$100
Electric service only	\$300

(1) No hook up to City of Covington Utility Services shall be made to any entity, until the prescribed deposits have been paid in full and any delinquent accounts owed to the City of Covington for other utility services have been paid in full.



(2) No utility deposits, or any portion thereof, shall be returned to any joint owner on the City of Covington Utility Deposit Account where the other joint owner on the account maintains utility services at the original utility account address.

(3) Utility deposits of homeowners who have paid their utility bills timely for 12 months and renters who have paid their utility bills timely for 36 months may request a refund of their deposits with the Clerk-Treasurer. Deposits shall only be paid to individuals holding receipts for deposits or the city records reflect payment of the deposits.

(B) *Utility reconnect fees.* The City of Covington, Indiana Utility Services shall not reconnect any disconnected service due to non-payment of utility bills to the City of Covington, Indiana, until all delinquent bills and late fees have been paid in full, plus a \$50 reconnect fee for reconnection during regular business hours has been paid to the City of Covington, Indiana. Any reconnection of services outside of normal business hours shall be \$75 and shall be paid prior to reconnection of services.

(C) *Bad check fees.* Any person writing an insufficient funds or closed account check to the City of Covington, Indiana for utility and/or other services shall be charged a fee of \$30 for each check submitted to the City of Covington, Indiana. The privilege of paying utility services and other fees by personal check shall not be available to City of Covington, Indiana customers for a period of one year from issuance of a second bad check, when the City of Covington receives two bad checks from any customer within a 12 month period of time.

(Ord. 2006-01, passed 2-13-06; Am. Ord. 2012-10, passed 12-3-12) Penalty, see ' 10.99

#### **' 50.02 ADDRESS CHANGE; QUALIFICATIONS FOR NON-DEPOSIT.**

(A) Where a residential and/or business consumer has paid promptly all utility bills for one year and thereafter changes his or her residence and/or business location to another address, those residential and/or business consumers that meet these qualifications are not to be required to make utility deposits. The Clerk-Treasurer of the city is hereby ordered not to require utility deposits in the above circumstances and to promptly refund any deposits held by the Clerk-Treasurer's office in situations as above.

(B) Any interpretation of this section shall be determined by majority vote of the Board of Public Works of the city.

(Am. Ord. passed 4-6-81)

**' 50.03 PROCEDURE FOR WATER AND SEWER CHARGES.**

(A) In the event of two or more dwelling units in an apartment building or trailer park being serviced water from a single water meter, the water and sewer billing shall be billed at a single minimum

monthly charge for one dwelling based upon the size of the water meter servicing the apartment building or trailer park. The total billing for water and sewer, above the monthly minimum, shall be billed at the established rates based upon consumption, and water meter size.

(B) The purpose of this section is to bill all multiple family dwellings in the city in the same manner without negatively impacting the operating budget of the Water and Sewer Departments of the city. (Ord. 2001-4, passed 8-20-01)

#### **' 50.04 POLICY FOR PROVIDING UTILITIES TO NEW RESIDENTIAL DEVELOPMENTS.**

The following policy will be invoked by the city utility departments upon extension of any city utilities to a new residential development. The developer and the city shall execute a written agreement to effectuate the original development utility services to be provided and costs thereof. All costs to provide the city utility services shall be paid by the developer, prior to installation of said services. The cost paid by said developer may be recouped by said developer as follows:

(A) The developer may recover his or her cost pro-rata to the number of residential units available to the utility service area. (i.e. If the cost is \$7,000 for the total utility installation cost and there are seven residential units to be served by the utility installation, then the developer shall be reimbursed by the city at the rate of \$1,000 per residential unit that is accessed to the city utility services).

(B) The developer shall recoup the initial cost of said utility installation within five years of the executed agreement by hookup of all residential units sought to be served by said installation or his or her ability to recoup shall terminate.

(C) The city utility superintendents shall have the sole discretion to determine the most appropriate utility installation locations and type of equipment to be used in the utility installation. (Res. 2003-1, passed 3-3-03)

#### **' 50.05 OWNERS OF RENTAL REAL ESTATE RESPONSIBLE FOR TENANT=S UNPAID UTILITY CHARGES.**

(A) The owners of city rental real estate shall be responsible for any and all utility bills (electric, water, or sewer) regarding their rental properties, even if they are not living in said properties.

(B) The city may not, without the approval of the Board of Works, connect any utilities to said real estate which have utility bills due and owing to the city after said real estate has been vacated by land owner=s tenants. (Ord. 2018-2, passed 3-19-18)



2009 S-4

## CHAPTER 51: REFUSE AND SANITATION

### Section

- 51.01 Rates and charges; adopted by reference
- 51.02 Billing and collection
- 51.03 Enforcement
- 51.04 Delinquent payment
- 51.05 Application; commercial and industrial operations excepted
- 51.06 Policies for trash and waste collection

### ' 51.01 RATES AND CHARGES; ADOPTED BY REFERENCE.

(A) For the use of and the service rendered by the Sanitation Department, rates and charges shall be collected from each and every lot, parcel, real estate, or building which is connected with a water meter unit.

(Ord. 81-4, passed 9-8-81)

(B) The rates and charges for garbage and sanitation, as set forth in Ord. 81-4, as amended, are hereby adopted by reference and incorporated into this code as if set out in full herein.

(Am. Ord. 2006-8, passed 11-6-06; Am. Ord. 2007-10, passed 11-5-07)

### ' 51.02 BILLING AND COLLECTION.

The rates and charges shall be prepared and billed by the city monthly, as the city may deem appropriate and as determined by policy and regulations, and shall be collected in the manner provided by law and ordinance. The rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but the billing shall in no way relieve the owner from liability in the event payment is not made and property is reoccupied by tenants.

(Ord. 81-4, passed 9-8-81)

### ' 51.03 ENFORCEMENT.

(A) The city shall make and enforce bylaws and regulations as may be deemed necessary for the safe, economic, and efficient management of the city's Sanitation Department and for the orderly collection and disposal of garbage and rubbish, and for the regulation, collection, rebating, and refunding of rates and charges.

(Ord. 81-4, passed 9-8-81)

(B) The terms and specifications of the current garbage and trash contract are hereby adopted as the regulations and policies regarding trash and refuse pick-up.  
(Res. 87-19, passed - -)

**' 51.04 DELINQUENT PAYMENT.**

(A) Whenever any rates and charges for sanitation service rendered shall remain unpaid for a period of 30 days after the same shall become due and payable, the Clerk-Treasurer of the city shall declare the person owning or occupying the real estate delinquent until the time these rates and charges are fully paid. Delinquency in the payment of rates and charges or delay in payment thereof may render the delinquent liable to discontinuance from the collection and disposal service until the rates and charges are fully paid.

(B) Whenever any sanitation rates and charges so established and to be paid by any user or owner shall not be paid within 30 days after the same are due, the amount thereof, together with a penalty of 10% and a reasonable attorney=s fee, may be recovered by the city in a civil action in the name of the city, pursuant to I.C. 36-9-30-21.  
(Ord. 81-4, passed 9-8-81)

**' 51.05 APPLICATION; COMMERCIAL AND INDUSTRIAL OPERATIONS EXCEPTED.**

(A) The provisions of this chapter shall not apply to commercial or industrial operations defined as follows.

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

**COMMERCIAL.** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, the maintenance or operation of offices, or recreational amusement enterprises.

**INDUSTRIAL.** The engaging in the manufacture of goods, wares, merchandise, implements, and the assembly of any items.  
(Ord. 81-4, passed 9-8-81)

**' 51.06 POLICIES FOR TRASH AND WASTE COLLECTION.**

The city hereby establishes the following policies for trash and waste collection as follows:

(A) A residence may have no more than two trash bins.

(B) Each trash bin shall include a monthly charge of \$15 and shall be assessed on the utility bill for the residence.

(C) Any waste or items left on the ground may be subject to an additional charge.

(D) Trash bins shall be removed from the street from Thursday at noon until Tuesday at noon. In the event trash collection is not on a Wednesday, trash bins shall only be permitted to be on the street for 48 hours, beginning at noon on the day prior to collection.

(E) A violation of this section shall be subject to fine as permitted by statute.  
(Ord. 2020-2, passed 4-20-20)



## CHAPTER 52: ELECTRICITY

### Section

- 52.01 Rates and charges; adopted by reference
- 52.02 Purchased power cost adjustment tracking factor
- 52.03 Peak management credit
- 52.04 Emergency energy curtailment
- 52.05 Net energy metering
- 52.06 Electric Department billing

### ***Cross-reference:***

*Conflict of interest, see ' 154.124*

### **' 52.01 RATES AND CHARGES; ADOPTED BY REFERENCE.**

The rates and charges for electricity, set forth in the schedule attached to Ord. 79-9, as it may be amended, are hereby adopted by reference and incorporated into this code as if set out in full herein. (Am. Ord. 2006-5, passed 10-16-06)

### **' 52.02 PURCHASED POWER COST ADJUSTMENT TRACKING FACTOR.**

When future changes occur in the cost of purchased power, which changes would cause a change in the purchased power cost adjustment tracking factor calculated in accordance with the order of the Public Service Commission of the state approved on December 17, 1976 in Cause No. 34614, as may be amended by that Commission, the factor shall automatically be changed accordingly and the Superintendent of the municipal electric utility shall cause the appropriate documents for approval of this change to be filed with the Public Service Commission of the state.

(Ord. 79-9, passed 8-6-79)

### **' 52.03 PEAK MANAGEMENT CREDIT.**

(A) There shall be and there is hereby established, for the use of and the service rendered by the municipal electric utility, the peak management credit; provided, however, that the peak management credit shall not be in full force and effect unless and until the same shall be approved by the state Utility Regulatory Commission.

(Ord. 95-3, passed 3-6-95)

(B) The peak management credit, as described in Appendix 1 of Ord. 95-3, is hereby adopted by reference and incorporated into this code as if set out in full herein.

**' 52.04 EMERGENCY ENERGY CURTAILMENT.**

(A) The emergency electric curtailment and load reduction plan for the municipal electric utility of the city, as set forth in Appendix A of Ord. 78-1, is hereby adopted and incorporated into this code as if set out in full herein.

(B) The aforementioned electric curtailment rules herein adopted and approved are hereby authorized to be filed with the Public Service Commission of the state for information purposes only and so identified.

(Ord. 78-1, passed 2-20-78)

**' 52.05 NET ENERGY METERING.**

(A) The City Council makes the following findings and determinations:

(1) The city owns and operates its own electric utility under the supervision and control and the Board under I.C. 8-1.5-3-4, and the Board has recommended to the Council that it adopt by ordinance a net metering program for use by electric utility customers. Based upon the Board's recommendation, and being duly advised, the Council has determined that the development of a net metering program in the city electric utility service may encourage the use of renewable energy resources and renewable energy technologies, as well as promote the wise use of Indiana's natural energy resources to meet growing electricity demand; and

(2) *NET METERING* is an arrangement of equipment for the production of electricity from the solar, wind, biomass, geothermal or hydroelectric facilities that are owned and operated by residential, commercial or industrial customers of the city utility, which allows a customer to offset its use of electricity by spinning the customer's electric meter backwards, effectively crediting the customer for electricity contributed to the grid; and

(3) Under a net metering arrangement, in those instances when the net metering customer's facility is not producing sufficient electricity to meet the customer's needs, the customer-generator purchases electricity from the utility under a typical retail service schedule or tariff. Conversely, any electricity produced by a customer in excess of the customer's needs is fed into the utility grid and offsets the customer's electric bill; and

(4) The Council believes development of a net metering program that encourages energy users to become more energy efficient reduces demand and potentially reduces energy bills, is an appropriate undertaking for the benefit of ratepayers, and is in the public interest.

Electricity

(B) The city encourages interested citizens and businesses to invest in renewable electric energy generation systems, and to enter into a net metering arrangement with the municipal electric utility of the City of Covington, Indiana.

(C) *ELIGIBLE NET METERING CUSTOMERS* include residential, commercial and industrial customers in good standing that own and operate a solar, wind, biomass, geothermal or hydroelectric generating facility that:

(1) Has a nameplate capacity less than or equal to ten kilowatts (kW);

(2) Is located on the customer's premises and is operated by the customer;  
and

(3) Is used primarily to offset all or part of the customer's own electricity requirements.

(D) The Council authorizes the utility to offer net metering to eligible net metering customers on a first come, first served basis. The utility shall limit the aggregate amount of net metering facility nameplate capacity from all eligible net metering customers to 0.1 % of the utility's most recent summer peak load.

(E) The utility shall measure the difference between the amount of energy delivered by the utility to the eligible net metering customer and the amount of energy generated by the eligible net metering customer and delivered to the utility. If the eligible net metering customer generates more energy that it consumes in a month, the customer shall receive a bill credit from the utility for the amount of surplus energy generated. The utility shall not purchase or wheel power produced by an eligible net metering customer's facilities.

(F) The net metering tariff (attached to Ordinance 2009-11 and adopted herein by reference) shall be adopted as the terms and conditions under which the utility will offer net metering to eligible net metering customers.

(G) In accordance with the terms of the net metering tariff, the utility shall enter into an interconnection agreement with the eligible net metering customer, which incorporates technical interconnection requirements and does not conflict with

this section before the net metering facility may be interconnected with the utility's system.

(Ord. 2009-11, passed 12-7-09)

' 52.06 ELECTRIC DEPARTMENT BILLING.

The city hereby establishes the following policies for Electric Department billing and shutoffs as follows:

(A) Electric utility bills will be mailed on the first of each month.

**Covington - Public Works**

(B) Electric utility bills will be due on the fifteenth of each month or the next working date if the fifteenth is on a non-work day.

(C) Any electric utility bill not paid by the due date will cause:

(1) A shutoff notice to be mailed to the electric utility customer indicating a shutoff date within seven days of the due date of the bill.

(2) Any Electric Utility customer who wishes to contest the disconnect notice and request an evidentiary hearing before the city Board of Public Works must do so in writing by hand delivery or certified mail, return receipt requested to the Clerk-Treasurer, City of Covington, P.O. Box 248, 1329 Second Street, Covington, IN 47932, prior to the date of the disconnect notice date. The Board of Public Works shall schedule and conduct an evidentiary hearing within five days of the customer's written notice to the city, and any disconnect of electric service shall be stayed pending said evidentiary hearing.

(3) All reconnects of electric service will be made only after the account balance and reconnect fees of \$50 are paid in full at the city Clerk-Treasurer's Office during normal business hours of 8:00 a.m. to 4:00 p.m., Monday thru Friday. (Ord. 2013-10, passed 12-2-13)

2017 S-6

## CHAPTER 53: WATER

Section

### *General Provisions*

- 53.01 Rates and charges; adopted by reference
- 53.02 Meter change; tap fee
- 53.03 Billing; shut-off procedures for water service

### *Backflow, Cross-Connections and Related Operations*

- 53.15 Responsibility
- 53.16 Definitions
- 53.17 Water system requirements
- 53.18 Compliance
- 53.19 Inspection
- 53.20 Discontinuance of service
- 53.21 Installation of backflow prevention assembly
- 53.22 Type of protective assembly
- 53.23 Approval of backflow prevention assembly
- 53.24 Adoption of standards by reference
- 53.25 Duty to test and repair
- 53.26 Certification of testers
- 53.27 Rules incorporated by reference

- 53.99 Penalty

### ***Cross-reference:***

*Conflict of interest, see '154.124*

### ***GENERAL PROVISIONS***

#### **' 53.01 RATES AND CHARGES; ADOPTED BY REFERENCE.**

(A) The Phase I and Phase II rates and charges for the use of the municipal waterworks system, as set forth in the schedule attached to Ord. 1998-15, as it may be amended, are hereby adopted by reference and incorporated into this code as if

set forth in full herein.

2021 S-7

11

(B) The preambles to Ord. 1998-15 are hereby adopted by reference and incorporated into this code as if set forth in full herein.  
(Am. Ord. 2006-7, passed 10-16-06)

**' 53.02 METER CHANGE; TAP FEE.**

(A) If a change to a lower capacity meter is requested by the user and the water utility determines that the smaller capacity meter would not adversely affect the consumer, the city will change out the meter to a smaller capacity meter. The user will be required to pay the new tap fee as per the schedule of rates and fees.

(B) Upon a request for a changeout, any subsequent changeout will be deemed a new tap and the new tap fee will be assessed.

(C) The effective date for billing purposes shall be for all billing periods commencing subsequent to the date of the request.

(D) Actual meter changes shall be accomplished by the Water Department as soon as practical. The lower rate shall be charged even though the actual meter change may occur at a later date.  
(Res. 99-3, passed 1-18-99)

**' 53.03 BILLING; SHUT-OFF PROCEDURES FOR WATER SERVICE.**

(A) Water utility bills will be mailed on the first of each month.

(B) Water utility bills will be due on the 15th of each month or the next working date if the 15th is on a non-work day.

(C) Any water utility bill not paid by the due date will cause a shut-off notice to be mailed to the water utility customer indicating a shut-off date within seven days of the due date of the bill.

(1) Any water utility customer who wishes to contest the disconnect notice and request an evidentiary hearing before the Board of Public Works must do so in writing by hand delivery or certified mail, return receipt requested to the Clerk-Treasurer, City of Covington, P.O. Box 248, 1329 2nd Street, Covington, IN 47932, prior to the date of the disconnect notice date. The Board of Public Works shall schedule and conduct an evidentiary hearing within five days of the customer's written notice to the city, and any disconnect of water service shall be stayed pending said evidentiary hearing.

(2) All reconnects of water service will be made only after the account balance and reconnect fee of \$50 are paid in full at the Clerk-Treasurer's office during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday.

2021 S-7

(3) Any person or other entity owning real estate subject to city water service and requesting a voluntary disconnect of water services shall be entitled to one disconnect and one reconnect of water services without charge, provided the requested services are completed within the same calendar year. In the event said services are not completed within the same calendar year, the custom reconnect fee of \$50 will be applicable.

(Ord. 2007-5, passed 4-16-07; Am. Ord. 2018-1, passed 2-5-18; Am. Ord. 2018-5, passed 7-2-18)

### *BACKFLOW, CROSS-CONNECTIONS AND RELATED OPERATIONS*

#### ' 53.15 RESPONSIBILITY.

Covington Utilities shall be responsible for the protection of the public potable water distribution system from contaminants or pollutants through the water service connection. If, in the judgment of said Covington Utilities an approved backflow prevention assembly is required as defined by 327 IAC 8-10, Rule 10 (as the customer=s water service connection or within the customer=s private water system) for the safety of the water system, Covington Utilities shall give notice in writing by mail to said customer to install such an approved backflow prevention assembly(s) at the specific location(s) on their premises. The customer shall install such approved assembly(s) at the customer=s own expense; and, failure, refusal, or inability on the part of the customer to install, have tested and maintain said assembly(s) shall constitute a grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

(Ord. 2017-2, passed 6-5-17)

#### ' 53.16 DEFINITIONS.

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

*AIR GAP.* The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other devise or flood level rim of said vessel. An approved *AIR GAP* shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel; and in no case less than one inch.

*APPROVED.* Accepted by Covington Utilities as meeting applicable specification

stated or cited in this subchapter, or as suitable for the purpose use.

2021 S-7

***AUXILIARY WATER SUPPLY.*** Any water supply on or available to the premises other than the utility=s approved public potable water supply. These ***AUXILIARY*** waters may include water from another utility=s public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water utility does not have sanitary control.

***BACKFLOW.*** The reversal of the normal flow of water caused by either backpressure or backsiphonage.

***BACKFLOW PREVENTER.*** An approved assembly or means designed to prevent backflow.

***BACKPRESSURE.*** The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source other than the intended source.

***BACKSIPHONAGE.*** The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply caused by the reduction of pressure in the potable water supply system.

***CONTAMINATION.*** An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds, or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

***CROSS-CONNECTION.*** Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system.

***CROSS-CONNECTION CONTROL BY CONTAINMENT.***

(1) The installation of an approved backflow assembly at the water service connection to any customer=s premises where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer=s water system; or

(2) The installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer=s water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

*CROSS-CONNECTION CONTROLLED.* A connection between a potable water system and a non-potable water system with an air gap or approved backflow prevention assembly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

2021 S-7

***DEGREE OF HAZARD.*** An evaluation of the potential risk and the adverse effect of the hazard upon the potable water system.

***DOUBLE CHECK VALVE ASSEMBLY.*** An assembly of two independently operating, approved check valves with resilient seated shut-off valves on each end of the check valves, plus properly located resilient seated test cocks for testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in an approval by a recognized and Covington Utilities approved testing agency for backflow prevention assemblies. To be approved, these assemblies must be readily accessible for in line testing and maintenance. Confined space installations will not be accepted.

***HEALTH HAZARD.*** Any condition, device, or practice in the water supply system and its operation, which could create, or in the judgment of Covington Utilities, may create a danger to the health and wellbeing of the water customer.

***INDUSTRIAL FLUIDS SYSTEM.*** Any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to, polluted or contaminated waters; all types of process waters and used water originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalizes; circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as wells, springs, streams, rivers, irrigation canals or systems, etc.; oils, gases, glycerin, paraffin, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

***NON-POTABLE WATER.*** Water which is not safe for human consumption or which is of questionable potability.

***PLUMBING HAZARD.*** A plumbing type cross-connection in a customer's potable water system that has not been properly protected by an approved air-gap or approved backflow prevention assembly.

***POLLUTION.*** The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

*POLLUTIONAL HAZARD.* An actual or potential threat to the physical water system which could constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

*POTABLE WATER.* Any water which, according to recognized standards, is safe for human consumption.

2021 S-7

***REDUCED PRESSURE PRINCIPLE ASSEMBLIES.*** An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time, below the first check valve, the unit shall include properly located resilient seated test cocks and resilient seated shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in approval by a recognized and Covington Utilities approved testing agency for backflow prevention assemblies. The assembly shall operate to maintain the pressure in the zone between the check valves at an acceptable level less than the pressure on the public water supply side of the assembly. At cessation of normal flow, the pressure between the two check valves shall be less than the pressure on the public water supply side of the assembly. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these assemblies must be readily accessible for inline testing and maintenance and be installed in a location where no part of the assembly will be submerged. Confined space installations will not be approved.

***SUPERINTENDENT.*** The Superintendent of the Covington Water Utilities, or his or her designee, who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of provisions of this subchapter.

***SYSTEM HAZARD.*** An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer=s potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

***USED WATER.*** Any water supplied by a water utility from a public potable water system after it has passed through the point of delivery and is no longer under the sanitary control of the water utility.

***WATER SERVICE CONNECTION.*** The terminal end of a service connection from the public potable water system (i.e., where the water utility loses jurisdiction and sanitary control over the water at its point of delivery to the customer=s water system). If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter, provided the meter is installed outside of the building (i.e., in a pit or vault). If the meter is installed inside a building then the water utility=s jurisdiction terminates at the downstream end of the outside shut-off valve to the water service. There should be no unprotected takeoffs from the water service line ahead of any meter or ahead of any backflow

prevention assembly. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.  
(Ord. 2017-2, passed 6-5-17)

2021 S-7

**' 53.17 WATER SYSTEM REQUIREMENTS.**

(A) The water system shall be considered as made up of two parts: the utility system and the customer system.

(B) The utility system shall consist of the source facilities and the distribution system and shall include all air gaps or approved backflow prevention assemblies properly installed and maintained, up to the point where the customer=s system begins. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system. The distribution system shall include the network of mains used for the delivery of water from the source to the customer=s system.

(C) The customer=s system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use: as defined in the city service area, at or about the customer fitting connection outside of the meter pit or 18 inches for residential services, or at the corporate shut off at the distribution main for commercial properties, unless otherwise designated.

(Ord. 2017-2, passed 6-5-17)

**' 53.18 COMPLIANCE.**

No water service connection to any premises shall be installed or maintained by Covington Utilities unless the water supply is protected as required by state rules and regulations of this subchapter. Service of water to any premises may be discontinued by Covington Utilities if a backflow prevention assembly required by this subchapter is not installed, tested and maintained or if it is found that a backflow prevention assembly has been removed or bypassed; or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(Ord. 2017-2, passed 6-5-17)

**' 53.19 INSPECTION.**

The customer=s system should be open for inspection at all reasonable times to authorized representatives of Covington Utilities to determine whether there exist cross-connections or other structural or sanitary hazards, including violations of this subchapter or regulations which are adopted through this subchapter.

(Ord. 2017-2, passed 6-5-17)

2021 S-7

**' 53.20 DISCONTINUANCE OF SERVICE.**

When a violation condition becomes known, the Superintendent may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state statutes and city ordinances relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(Ord. 2017-2, passed 6-5-17)

**' 53.21 INSTALLATION OF BACKFLOW PREVENTION ASSEMBLY.**

An approved backflow prevention assembly shall be installed on each service line to a customer=s water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

(Ord. 2017-2, passed 6-5-17)

**' 53.22 TYPE OF PROTECTIVE ASSEMBLY.**

(A) The type of protective assembly required shall depend upon the degree of hazard which exists, as follows:

(1) In the case of any premises where there is an auxiliary water supply, the public water systems shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly;

(2) In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved reduced pressure principle backflow assembly;

(3) In the case of any premises where there is any material dangerous to health such as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced principle backflow prevention assembly. Examples of premises where these conditions will exist include, but are not limited to, sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and planting plants;

(4) In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be

protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly at the service connection;

2021 S-7

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises;

(6) In the case of any premises having a lawn irrigation system, the public water system shall be protected by an approved pressure vacuum backflow prevention assembly or an approved reduced pressure principle backflow prevention assembly; and

(7) In the case of any premises having a fire service line, the public water system shall be protected by an approved double detector check valve assembly.

(B) All other premises not covered in division (A) above shall be required to install a non-testable dual check valve assembly for the protection of the public water system.

(C) Existing installations are not exempt from current rules and regulations in this subchapter.

(Ord. 2017-2, passed 6-5-17)

### ' 53.23 APPROVAL OF BACKFLOW PREVENTION ASSEMBLY.

Any backflow prevention assembly required herein shall be a model and size approved by Covington Utilities. The term *APPROVED BACKFLOW PREVENTION ASSEMBLY* shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled AAWWA C 5 06-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices.@ Said assembly shall meet the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCC&HR) of the University of Southern California established by Specifications of Backflow Prevention Assemblies, Section 10, of the most current issue of the *Manual of Cross-Connection Control*. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with the said AWWA standards and FCCC&HR specifications.

(Ord. 2017-2, passed 6-5-17)

### ' 53.24 ADOPTION OF STANDARDS BY REFERENCE.

The AWWA and FCCC&HR standards and specifications specifically referenced in

'53.23 are hereby adopted and incorporated herein by reference.  
(Ord. 2017-2, passed 6-5-17)

2021 S-7

**' 53.25 DUTY TO TEST AND REPAIR.**

It shall be the duty of any customer-user at any premises where backflow prevention assemblies are installed, as stipulated in '53.22(A), to have certified inspections and operational tests made upon installation and at least once per year. In those instances where the City Water Superintendent deems the hazard to be great enough, the superintendent may require inspection at more frequent intervals. The inspections and tests shall be at the expense of the water user and shall be performed by a certified tester registered and approved by the State of Indiana and Covington Utilities. It shall be the duty of the customer to see that these tests are made in a timely manner. If a customer-user does not have its backflow prevention assembly tested within 30 days of the testing due date, Covington Utilities may discontinue water service to the premises to maintain the safety of the public water system. These assemblies shall be repaired, overhauled or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept by the customer-user and a copy furnished to Covington Utilities.

(Ord. 2017-2, passed 6-5-17)

**' 53.26 CERTIFICATION OF TESTERS.**

Certified testers shall be registered with Covington Utilities and shall provide proof of state registration. In addition, certified testers will provide proof that test gauges used in testing backflow prevention assemblies have been calibrated and certified annually. All inspection reports shall be made using approved forms, either from Covington Utilities or approved by same.

(Ord. 2017-2, passed 6-5-17)

**' 53.27 RULES INCORPORATED BY REFERENCE.**

The Indiana Plumbing Code and Indiana State Department of Health and IDEM Rule 327 IAC 8-10 are incorporated herein by reference.

(Ord. 2017-2, passed 6-5-17)

**' 53.99 PENALTY.**

Whoever violates any provision of '53.15 through '53.27 for which no other penalty is otherwise specifically provided shall be fined not more than \$500. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(Ord. 2017-2, passed 6-5-17)

2021 S-7

## CHAPTER 54: SEWERS

Section

### *General Provisions*

- 54.001 Definitions
- 54.002 Authority; enforcement and amendment
- 54.003 Violations; notice to comply
- 54.004 Applicability
- 54.005 Damage to sewage works
- 54.006 Access to private property
- 54.007 Rates, charges, and surcharges; adopted by reference
- 54.008 Industrial Cost Recovery System; wastewater treatment facilities

### *Connections*

- 54.020 Connecting to public sewers
- 54.021 Extensions of sewers outside corporate limits
- 54.022 Connections to sewerage system by certain out-of-city properties
- 54.023 New connections; inflow sources
- 54.024 Approval of new connections; overloading

### *Discharge to Public Sewers*

- 54.035 Unsanitary waste disposal prohibited
- 54.036 Polluted discharge into natural outlet prohibited
- 54.037 Private sewage disposal restricted
- 54.038 Sanitary sewer connection required where feasible

### *Discharge to Private Sewers*

- 54.050 Requirements for connection
- 54.051 Construction; permit required
- 54.052 Inspection
- 54.053 System requirements
- 54.054 Public sewer connection required where feasible

- 54.055 Operation
- 54.056 Additional requirements may be imposed

*Building Sewers*

- 54.070 Building sewer permit
- 54.071 Building sewer costs
- 54.072 Requirement
- 54.073 Old building sewers
- 54.074 Specifications
- 54.075 Clean water drain connections prohibited
- 54.076 Connection requirements
- 54.077 Inspection required prior to connection
- 54.078 Excavation; safety measures; property restoration

*Stormwater and Other Unpolluted Drainage*

- 54.090 Discharge to sanitary sewer prohibited
- 54.091 Discharge to storm or combined sewer, or approved outlet

*Prohibited Industrial Discharges*

- 54.105 Prohibited and limited substances
- 54.106 Liability for obstruction or damage
- 54.107 Special agreements
- 54.108 Exclusions under special conditions
- 54.109 Surcharges for excess pollutant discharge

*Admissible Industrial Wastes*

- 54.120 Substances requiring prior approval
- 54.121 Pretreatment facilities
- 54.122 Grease and sand traps
- 54.123 Submission of data on industrial wastes required
- 54.124 Control manholes
- 54.125 Waste sampling and analysis
- 54.126 Data subject to EPA review

***Cross-reference:***

*Conflict of interest, see ' 154.124*

*GENERAL PROVISIONS*

## ' 54.001 DEFINITIONS.

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

*BIOCHEMICAL OXYGEN DEMAND* or *BOD* of sewage, sewage effluent, polluted waters, or industrial wastes. The quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20°C. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

*BUILDING* or *HOUSE DRAIN*. The part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately three feet outside the foundation wall of the building.

*BUILDING* or *HOUSE SEWER*. The pipe which is connected to the building (or house) drain at a point approximately three feet outside the foundation wall of the building and which conveys the building=s discharge from that point to the public sewer or other place of disposal.

*CHEMICAL OXYGEN DEMAND* or *COD* of sewage, sewage effluent, polluted waters, or industrial wastes. A measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.

*CITY*. The City of Covington, Indiana, or any duly authorized officials acting in its behalf.

*COMPATIBLE POLLUTANT*. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the city=s NPDES permit if the publicly owned treatment works was designed to treat these pollutants and in fact does remove these pollutants to a substantial degree.

*EFFLUENT*. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.

*GARBAGE*. Any solid wastes from the preparation, cooking, or dispensing of food

and from the handling, storage, or sale of produce.

*GROUND GARBAGE.* Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in dimension.

***INCOMPATIBLE POLLUTANT.*** Any pollutant other than a compatible pollutant as defined above.

***INDUSTRIAL WASTES.*** Any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow, or escaping from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resource carried on by any person as defined below, and shall further mean any waste from an industrial user as defined below.

***INFILTRATION.*** The water entering a sewer system, including sewer service connections, from the ground, through means such as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

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

***INFLUENT.*** The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle, or outlet.

***MAJOR CONTRIBUTOR.*** A contributor to the publicly owned treatment works that:

(1) Has a flow of 50,000 gallons or more per average work day;

(2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;

(3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Clean Water Act, being 33 USC 1317(a);  
or

(4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributors, on that treatment works or upon the quality of effluent from that treatment works.

***MAY.*** The act referred to is permissive.

***NPDES PERMIT.*** The National Pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants.

*OUTLET.* Any natural or constructed *OUTLET* which is the point of final discharge of sewage or treatment plant effluent into a watercourse, pond, ditch, lake, or other body of surface or ground water.

*PERSON.* Any and all *PERSONS*, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

*pH.* The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.

*RECEIVING STREAM.* The watercourse, stream, or body of water receiving the waters finally discharged from the sewage treatment plant.

*RESIDENTIAL PROPERTY UNIT.* A building under one roof designed, arranged, and used primarily for dwelling purposes by a single family.

*SANITARY SEWAGE.* Sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions and free from stormwater, surface water, and industrial wastes.

*SERVICE AREA.* The area which presently or in the future contributes sewage to the wastewater treatment plant.

*SEWAGE.* The water-carried wastes from residences, business buildings, institutions, and industrial establishments, singular or in any combination, together with such ground, surface, and stormwaters as may be present.

*SEWAGE WORKS.* All facilities for collecting, transporting, pumping, treatment, and disposing of sewage and sludge, namely the sewerage system and wastewater treatment plant.

*SEWER.* A pipe or conduit for carrying sewage or other waste liquids.

(1) *COMBINED SEWER.* A sewer which carries both storm, surface, and groundwater runoff and sewage.

(2) *PUBLIC SEWER.* A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

(3) *SANITARY SEWER.* A sewer which carries sewage and to which storm, surface, and ground waters and unpolluted industrial wastewaters are not intentionally admitted.

(4) *STORM SEWER.* A sewer which carries storm, surface, and groundwater drainage but excludes sewage.

*SEWER ENGINEER* or *WATER POLLUTION CONTROL ENGINEER*. The duly authorized representative of the city. The individual designated may be the City Engineer, Superintendent of the wastewater treatment plant, consulting civil or environmental engineer to the city, or some similarly knowledgeable and technically qualified person.

*SEWERAGE SYSTEM*. The network of publicly owned sewers and appurtenances used for collecting, transporting, and pumping sewage to the wastewater treatment plant.

*SHALL*. The act referred to is mandatory.

*STANDARD METHODS*. The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and as set forth in the Congressional Register 40 CFR 136.

*SUPERINTENDENT*. The Superintendent of the wastewater treatment plant of the city, or his or her duly authorized representative.

*SUSPENDED SOLIDS*. Solids which either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.

*USER CLASSES*. Each recipient of municipal wastewater treatment services shall be either in the industrial class or the non-industrial class (including domestic, commercial, institutional, and governmental). The industrial class shall include any user as determined by the City Council, identified in the North American Industry Classification, 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 Services; and Division I - Services. The non-industrial class shall include all users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those generated by normal domestic activity as determined by the Council.

*WASTEWATER TREATMENT PLANT*. The arrangement of devices, structures, and equipment used for treatment and disposing of sewage and sludge.

*WATERCOURSE*. A channel in which a flow of water occurs either continuously or intermittently.

(Ord. 76-8, passed 5-24-76)

**' 54.002 AUTHORITY; ENFORCEMENT AND AMENDMENT.**

(A) The City Council shall, in accordance with state statutes, make and enforce whatever bylaws, rules, and regulations it may deem necessary for the safe, economical, and efficient management of the city's sewage works, for the construction and use of building sewers and connections to the sewerage system, in general, for the implementation of the provisions of this chapter.

(B) The city reserves the right to amend this chapter, including the user charges and/or surcharges herein established, in part or in whole, as provided and permitted by the statutes of the state, whenever it may deem it necessary.

(Ord. 76-8, passed 5-24-76)

**' 54.003 VIOLATIONS; NOTICE TO COMPLY.**

(A) Any person found to be violating or failing to comply with any of the provisions of this chapter shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person violating any of the provisions herein and convicted thereof shall become liable to the city for any expense, loss, or damage occasioned the city by reason of that violation.

(Ord. 76-8, passed 5-24-76) Penalty, see ' 10.99

**' 54.004 APPLICABILITY.**

The terms of this chapter shall apply to the entire service area from which sewage is received and treated at the wastewater treatment plant.

(Ord. 76-8, passed 5-24-76)

**' 54.005 DAMAGE TO SEWAGE WORKS.**

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

(Ord. 76-8, passed 5-24-76) Penalty, see ' 10.99

**' 54.006 ACCESS TO PRIVATE PROPERTY.**

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

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city 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 city employees and the city shall indemnify the company against loss or damage to its property by city 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 these may be caused by negligence or failure of the company to maintain safe conditions.

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city 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 sewage works 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. 76-8, passed 5-24-76)

**' 54.007 RATES, CHARGES, AND SURCHARGES; ADOPTED BY REFERENCE.**

The provisions relating to sewer rates, charges, and surcharges, and the billing thereof, as set forth in Ord. 76-7, as amended from time to time, are hereby adopted by reference and incorporated into this code as if set out in full herein. (Am. Ord. 2006-6, passed 10-16-06)

**' 54.008 INDUSTRIAL COST RECOVERY SYSTEM; WASTEWATER TREATMENT FACILITIES.**

The Industrial Cost Recovery System for the city=s wastewater treatment

facilities, as set forth in Ord. 76-6, as it may be amended, is hereby adopted and incorporated into this code as if set out in full.

2009 S-4

Sewers

21

*CONNECTIONS*

' 54.020 CONNECTING TO PUBLIC SEWERS.

(A) No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he or she has satisfied his or her obligation to pay all assessments, reimbursements, or pro rata shares of sewer extension costs lain against that property for public sewers installed to serve it. A tap permit given in error or sewerage service charges billed to a property in error shall not operate to nullify any obligation that has been duly recorded.

(B) The City Council shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains, or other drains which carry the runoff of natural precipitation. Property owners shall have 30 days after notice to comply with this requirement. The City Council shall not authorize any tap permit which will cause excess flow, BOD, and/or suspended solid loading of the wastewater treatment plant, force mains, lift stations, or sewers.

(C) Any owner or occupant of any real property seeking to tap or drain either directly or indirectly into any accessible public sewer where the private drain involves a basement or sewer hook-up at or below public sewer elevation shall be responsible to install a sewer back flow prevention valve as part of the sewer hook-up. This requirements shall be effective upon due publication of this notice as required by Indiana law.

(Ord. 76-8, passed 5-24-76; Am. Ord. 2015-01, passed 3-2-15) Penalty, see '10.99

' 54.021 EXTENSIONS OF SEWERS OUTSIDE CORPORATE LIMITS.

The installation, construction, or extension of sewers by the city outside the corporate limits of the city and the connection or extension of sewers into the

city=s sewerage system from, by, or for properties located outside these limits shall be prohibited, except upon prior approval by the City Council by duly enacted ordinance.

(Ord. 76-8, passed 5-24-76) Penalty, see '10.99

**' 54.022 CONNECTIONS TO SEWERAGE SYSTEM BY CERTAIN OUT-OF-CITY PROPERTIES.**

Notwithstanding the provisions of '54.021, the City Council shall have the authority to permit a property located outside the corporate limits of the city to connect to an existing sewer which is part of the city=s sewerage system, provided the property abuts, adjoins, and is immediately contiguous to the street, alley, or easement in which that sewer is located and provided the property owner or occupant has complied with the conditions set out in '54.020.

(Ord. 76-8, passed 5-24-76)

**' 54.023 NEW CONNECTIONS; INFLOW SOURCES.**

The city shall prohibit any new connections from inflow sources into the sanitary sewer portions of the sewerage system and shall ensure that new sewers and connections to the sanitary sewers are properly designed and connected.

(Ord. 76-8, passed 5-24-76)

**' 54.024 APPROVAL OF NEW CONNECTIONS; OVERLOADING.**

The city shall not approve any new connection into the sanitary sewers which will cause overloading.

(Ord. 76-8, passed 5-24-76)

*DISCHARGE TO PUBLIC SEWERS***' 54.035 UNSANITARY WASTE DISPOSAL PROHIBITED.**

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 city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(Ord. 76-8, passed 5-24-76) Penalty, see '10.99

**' 54.036 POLLUTED DISCHARGE INTO NATURAL OUTLET PROHIBITED.**

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. 76-8, passed 5-24-76) Penalty, see '10.99

**' 54.037 PRIVATE SEWAGE DISPOSAL RESTRICTED.**

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.

(Ord. 76-8, passed 5-24-76) Penalty, see '10.99



' 54.038 SANITARY SEWER CONNECTION REQUIRED WHERE FEASIBLE.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect those facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(Ord. 76-8, passed 5-24-76) Penalty, see ' 10.99

*DISCHARGE TO PRIVATE SEWERS*

' 54.050 REQUIREMENTS FOR CONNECTION.

Where a public sanitary or combined sewer is not available under the provisions of ' 54.038 above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(Ord. 76-8, passed 5-24-76)

' 54.051 CONSTRUCTION; PERMIT REQUIRED.

(A) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for this permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the Superintendent.

(B) A permit and inspection fee of \$5 shall be paid to the city at the time the application is filed.

(Ord. 76-8, passed 5-24-76)

' 54.052 INSPECTION.

A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event,

the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

(Ord. 76-8, passed 5-24-76)

**' 54.053 SYSTEM REQUIREMENTS.**

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state Board of Health and the county Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 6,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 76-8, passed 5-24-76) Penalty, see '10.99

**' 54.054 PUBLIC SEWER CONNECTION REQUIRED WHERE FEASIBLE.**

At the time a public sewer becomes available to a property served by a private sewage disposal system as provided in '54.053, a direct connection shall be made to the public sewer in compliance with this chapter. The direct connection shall be made within 60 days and any private sewage disposal systems or facilities, cesspools, and septic tanks shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 76-8, passed 5-24-76)

**' 54.055 OPERATION.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Ord. 76-8, passed 5-24-76)

**' 54.056 ADDITIONAL REQUIREMENTS MAY BE IMPOSED.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(Ord. 76-8, passed 5-24-76)

***BUILDING SEWERS*****' 54.070 BUILDING SEWER PERMIT.**

(A) No unauthorized person shall uncover, make any connections with or opening

into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(B) There should be two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner, or his or her agent, shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$300 for either type permit shall be paid to the city at the time the application is filed, all of which shall be prior to hook-up or installation.

(Ord. 76-8, passed 5-24-76; Am. Ord. 91-11, passed 9-16-91)

#### ' 54.071 BUILDING SEWER COSTS.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Cost hereof may be waived by the Board of Public Works if in the opinion of the Board the costs are not substantial, the installation is necessary and routine and can be accomplished by the city's available manpower without undue delay or hardship, and the waiving of costs is in the best interest of the city.

(Ord. 76-8, passed 5-24-76; Am. Ord. 91-11, passed 9-16-91)

#### ' 54.072 REQUIREMENT.

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.

(Ord. 76-8, passed 5-24-76)

#### ' 54.073 OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this chapter.

(Ord. 76-8, passed 5-24-76)

**' 54.074 SPECIFICATIONS.**

(A) The size, slope, alignment, and construction materials 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 the requirements of the building and plumbing code or other applicable rules and regulations of the city. 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.

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

(Ord. 76-8, passed 5-24-76)

**' 54.075 CLEAN WATER DRAIN CONNECTIONS PROHIBITED.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 76-8, passed 5-24-76)

**' 54.076 CONNECTION REQUIREMENTS.**

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 city, 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 gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(Ord. 76-8, passed 5-24-76)

**' 54.077 INSPECTION REQUIRED PRIOR TO CONNECTION.**

The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his or her

representative.

(Ord. 76-8, passed 5-24-76)

' 54.078 EXCAVATION; SAFETY MEASURES; PROPERTY RESTORATION.

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 city.

(Ord. 76-8, passed 5-24-76)

*STORMWATER AND OTHER UNPOLLUTED DRAINAGE*

' 54.090 DISCHARGE TO SANITARY SEWER PROHIBITED.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(Ord. 76-8, passed 5-24-76) Penalty, see '10.99

' 54.091 DISCHARGE TO STORM OR COMBINED SEWER, OR APPROVED OUTLET.

Stormwater and all other unpolluted drainage shall be discharged to those sewers which are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may, on approval of the Superintendent, be discharged to a storm sewer, combined sewer, or natural outlet.

(Ord. 76-8, passed 5-24-76)

*PROHIBITED INDUSTRIAL DISCHARGES*

' 54.105 PROHIBITED AND LIMITED SUBSTANCES.

Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances, wastes, or waters:

(A) Any liquid or vapor having a temperature higher than 160°F;

(B) Any waters or wastes containing more than 50 milligrams per liter of fats, oils, greases, or waxes;

(C) Any gasoline, benzene, naphtha, fuel oil, or mineral oil, or any other flammable or explosive liquid, solid, or gas;

(D) Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair;

(E) Any garbage that has not been properly ground;

(F) Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers= offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the wastewater treatment plant;

(G) Any waters or wastes containing phenols in excess of one-half milligram per liter;

(H) Any waters or wastes having a pH lower than six or higher than nine or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment, or personnel of the sewage works;

(I) Any copper in excess of one milligram per liter in any wastes discharged into a public sewer;

(J) Any zinc in excess of five milligrams per liter in any wastes discharged into a public sewer;

(K) Any chromium (hexavalent) in excess of one milligram per liter in any wastes discharged into a public sewer;

(L) Any chromium (trivalent) in excess of two milligrams per liter in any wastes discharged into a public sewer;

(M) Total chromium in excess of three milligrams per liter in any wastes discharged into a public sewer;

(N) Any nickel in excess of one milligram per liter in any wastes discharged into a public sewer;

(O) Any lead in excess of one-tenth milligram per liter in any wastes discharged into a public sewer;

(P) Any cadmium in excess of two-hundredths milligrams per liter in any wastes discharged into a public sewer;

(Q) Any cyanides, as CN ions, in excess of one milligram per liter in any wastes discharged into a public sewer;

(R) Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions;

(S) Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system;

(T) (1) Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the wastewater treatment plant or that will pass through the plant into the receiving stream in amounts exceeding the standards set by federal, interstate, or other competent authority having jurisdiction; and

(2) Any waters or wastes containing iron or any other toxic ions, compounds, or substances in concentrations or amounts exceeding the limits established from time to time by the City Council, but in no event shall the limits exceed those set forth in applicable federal guidelines and in the limits and restrictions set forth in the city=s NPDES permit, incorporated herein by reference.

(U) Any waters or wastes that for a duration of five minutes or more have a concentration more than five times the average concentration of the BOD or the suspended solids of the customer=s sewage discharged during a 24-hour period of normal operation; and

(V) Any waters or wastes containing suspended solids of a character and quantity so that unusual provision, attention, and expense would be required to handle these materials at the wastewater treatment plant, its pumping stations, or other facilities.

(Ord. 76-8, passed 5-24-76) Penalty, see ' 10.99

#### ' 54.106 LIABILITY FOR OBSTRUCTION OR DAMAGE.

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for this discharge shall be billed and shall pay for the expenses incurred by the city in cleaning out, repairing, or rebuilding the sewer.

(Ord. 76-8, passed 5-24-76)

#### ' 54.107 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as prohibiting any

special agreement or arrangement between the city and any person whereby an industrial waste of unusual strength or character may be accepted by the city for treatment either with or without pretreatment, provided there is no impairment of the functioning of the sewage works by reason of the admission of these wastes and no extra costs are incurred by the city without recompense by the person.

(Ord. 76-8, passed 5-24-76)

**' 54.108 EXCLUSIONS UNDER SPECIAL CONDITIONS.**

All or certain industrial wastes may be excluded when conditions are such that NPDES permit restrictions cannot be met.

(Ord. 76-8, passed 5-24-76)

**' 54.109 SURCHARGES FOR EXCESS POLLUTANT DISCHARGE.**

Surcharges shall be imposed by the city for any pollutant discharged in excess of the limits set forth herein.

(Ord. 76-8, passed 5-24-76)

***ADMISSIBLE INDUSTRIAL WASTES*****' 54.120 SUBSTANCES REQUIRING PRIOR APPROVAL.**

Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers, by any person, of sewage, whose wastes have:

(A) A BOD greater than 250 milligrams per liter;

(B) A suspended solids content greater than 250 milligrams per liter; or

(C) Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes, or operations of the sewage works or to health, whether by themselves or through interacting with other wastes in the public sewers.

(Ord. 76-8, passed 5-24-76)

**' 54.121 PRETREATMENT FACILITIES.**

(A) When, after making a review, the Superintendent concludes that, before the person discharges his or her wastes into the public sewers, he or she must modify or eliminate those constituents which would be harmful to the structures, processes, or operations of the sewage works or injurious to health, then the person shall either modify his or her wastes at the point of origin or shall provide and operate at his or her own expense the preliminary treatment or processing facilities as may be determined to be necessary to render his or her wastes acceptable for admission to

the public sewers.

(B) Plans, specifications, and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the city for examination and approval, and no construction of facilities shall begin until the city, through its City Council, has given its written approval. This approval shall not exempt the person from the obligation to make further reasonable adaptations of the facilities when adaptations prove necessary to secure the results desired. Plans, specifications, and other pertinent information shall also be submitted to the Stream Pollution Control Board of approval in accordance with Stream Pollution Control Board Resolution No. 15.

(C) When preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his or her own expense and shall be subject to periodic inspection by the city. The person shall maintain suitable operating records and shall submit to the Superintendent those monthly summary reports of the character of the influent and effluent as the latter may prescribe.

(Ord. 76-8, passed 5-24-76)

#### ' 54.122 GREASE AND SAND TRAPS.

Whenever the City Council determines that interceptors or traps are needed to protect the sewerage system or the operations of the wastewater treatment plant from grease, oil, sand, or similar substances occurring in a customer=s sewage, then traps shall be installed by the customer on his or her own lines at his or her own expense and shall be so maintained by him or her that none of these substances can be carried over into the public sewers. All traps shall be subject to the city=s approval as to construction, location, and installation.

(Ord. 76-8, passed 5-24-76)

#### ' 54.123 SUBMISSION OF DATA ON INDUSTRIAL WASTES REQUIRED.

(A) Any person who discharges industrial wastes into the city=s sewerage system, either directly or indirectly, shall, upon the written request of the City Council, fill out and file with the city within 90 days an industrial wastes questionnaire to be furnished by the city, in which he or she shall set out the quantity and characteristics of the wastes discharged into the city=s sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes shall be required to fill out and file this questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

(B) When special circumstances such as the size or complexity of his or her sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time not to exceed 90 days may be granted by the City Council upon presentation of a proper application.

(Ord. 76-8, passed 5-24-76)

**' 54.124 CONTROL MANHOLES.**

(A) Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the City Council, upon the recommendation of the Superintendent, to construct and maintain at his or her own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement, and sampling of his or her wastes. These manholes shall be constructed in accordance with the standards and specifications of the city.

(B) The Board may also require the person to install and maintain in any of these manholes at that person's expense an approved volume-measuring device.

(C) Plans for the installation of control manholes and related equipment must be approved by the City Council, upon the recommendation of the Superintendent or the Sewer Engineer, before construction is begun.  
(Ord. 76-8, passed 5-24-76)

**' 54.125 WASTE SAMPLING AND ANALYSIS.**

(A) In addition to the requirements of division 3.3 of Ord. 76-6, the Industrial Cost Recovery Ordinance, any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it necessary (but at least once a year) and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. The sampling period shall be for a period of seven consecutive days, but may be of longer duration at the discretion of the city. In periods when the sampling program extends for a greater number of consecutive days than seven, the city shall have the prerogative of selecting the seven consecutive days of its choice. Every care shall be exercised in collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.

(B) The installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the City Council. Access to sampling facilities shall be granted at all times to the Superintendent or his or her duly authorized representative.

(C) (1) Laboratory procedures used in the examination of industrial wastes shall be those set forth in the Standard Methods. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the

Superintendent and the user provided they meet federal requirements as set forth in 40 CFR 136.

(2) The city may make, without charge to the user, the initial analysis of the user=s wastes as well as other initial tests the Superintendent may deem advisable. Regular periodic check analyses and analyses made by the city at the request of the user shall be charged to the user according to the standard work order billing practice.

(3) All these analyses shall be binding in determining strength of wastes surcharges and other matters dependent upon the character and concentration of wastes.

(D) Until an adequate analysis of a representative sample of user=s wastes has been obtained, the city shall, for the purpose of this chapter, make a determination of the character and concentration of the user=s wastes by using data based on analyses of similar processes or data for his or her type of business that are available from the U.S. Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the city, shall continue at the city=s pleasure or until an adequate analysis has been made.

(Ord. 76-8, passed 5-24-76)

#### ' 54.126 DATA SUBJECT TO EPA REVIEW.

All data collected pertaining to industrial wastes, including records kept by each industrial user, shall be subject to audit and review by the Environmental Protection Agency (EPA).

(Ord. 76-8, passed 5-24-76)

