

## CHAPTER 53: SEWERS AND SEWAGE DISPOSAL

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**SEWER USE GENERALLY**

**§ 53.001 DEFINITIONS.**

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

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

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning 3 feet outside the building wall.

(1) **BUILDING DRAIN, STORM.** A building drain which conveys stormwater or other clearwater drainage, but no wastewater.

(2) **SANITARY BUILDING DRAIN.** A building drain which conveys sanitary or industrial sewage only.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal (also called house connection).

(1) **SANITARY BUILDING SEWER.** A building sewer which conveys sanitary or industrial sewage only.

(2) **STORM BUILDING SEWER.** A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.

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**COMBINED SEWER.** A sewer intended to receive both wastewater and storm or surface water.

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term “substantial degree” is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (1) Chemical oxygen demand;
- (2) Total organic carbon;
- (3) Phosphorus and phosphorus compounds;
- (4) Nitrogen and nitrogen compounds; and
- (5) Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

**COMPOSTABLE MATERIAL.** Leaves, grass clippings, tree limbs, other yard waste.

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

**FECAL COLIFORM.** Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indication of pollution.

**FLOATABLE OIL.** Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INCOMPATIBLE POLLUTANT.** Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**INFILTRATION.** The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. **INFILTRATION** does not include and is distinguished from “inflow”.

**INFILTRATION/INFLOW.** The total quantity of water from both infiltration and inflow without distinguishing the source.

**INFLOW.** The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation

drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage. **INFLOW** does not include and is distinguishable from “infiltration”.

**INSPECTOR.** The person or persons duly authorized by the city through its Board of Public Works and Safety, to inspect and approve the installation of building sewers and their connection to the public sewer system.

**MAJOR CONTRIBUTING INDUSTRY.** An industry 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 § 307(a) of Pub. L. No. 92-500; or
- (4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

**NPDES PERMIT.** A permit used under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States, pursuant to § 402 of Pub. L. No. 92-500.

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

**NORMAL DOMESTIC SEWAGE.** The same meaning as defined in [§§ 53.070 et seq.](#)

**pH.** The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

**PERSON.** Any individual, firm, company, association, society, corporation or group discharging any wastewater to the treatment works.

**PRETREATMENT.** The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

**PRIVATE SEWER.** A sewer which is not owned by a public authority.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with not particle greater than 1/2 inch in any dimension.

**PUBLIC SEWER.** A sewer which is owned and controlled by the public authority and will consist of the following increments:

- (1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters

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from individual point source discharges.

(2) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

(3) **INTERCEPTOR SEWERS.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(4) **PUMPING STATION.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

**SANITARY SEWER.** A sewer which carries sanitary and industrial wastes, and to which storm, surface and groundwater are not intentionally admitted.

**SEWAGE.** The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The 3 most common types of sewage are:

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

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

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

**SEWAGE WORKS.** The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

**SEWER.** A pipe or conduit for carrying sewage.

**SHALL.** The act referred to is mandatory; **MAY** is permissive.

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.

**STANDARD METHODS.** The laboratory procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**STORM SEWER.** A sewer for conveying water, groundwater or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

**SUPERINTENDENT.** The Superintendent of the municipal sewage works of the city or his or her authorized deputy, agent or representative.

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

**TOTAL SOLIDS.** The sum of suspended and dissolved solids.

**TOXIC AMOUNT.** Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in *Standards* pursuant to § 307(a) of Pub. L. No. 92-500.

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

**VOLATILE ORGANIC MATTER.** The material in the sewage solids transformed to gases or vapors when heated to 550°C for 15 to 20 minutes.

**WATERCOURSE.** A natural or artificial channel for the passage of water either continuously or intermittently.  
(Prior Code, § 17-1) (Ord. 1798, § 1; Ord. 93-33, § 1-1)

#### **§ 53.002 PROHIBITED DISCHARGES.**

(A) It is 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 excrement, garbage or other objectionable waste.

(B) No person shall discharge or cause to be discharged to any sanitary sewer or combined sewer, either directly or indirectly, stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial water. The city shall require the removal of unpolluted wastewater collection or treatment facility if the removal is cost effective and in the best interests of all users of those facilities.

(C) Stormwater, surface water, groundwater, 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 such sewers, however, with the specific permission of the city.

(D) No new connection shall be made unless there is capacity available to all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and suspended solids.

(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 city, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(F) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in

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accordance with provisions of this chapter and the NPDES permit.

(G) Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(H) 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 required at his or her expense to install suitable toilet facilities therein, and to connect the 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 300 feet of the property line.

(I) Property owners whose property line is within 300 feet of an available sanitary sewer may not be required to connect and may continue to use their existing septic system if, and only if, the connection will create extreme hardship.

(1) Extreme hardship is to be determined by the Board of Public Works and Safety, upon recommendation of at least 2 of 3 following persons: The Building Official, the city's Engineer and the city's Council person in whose district is located the property in question; including the at-large Council person, the persons are to take into account the following factors:

(a) Whether the connection of the property was included in the 1985 wastewater facilities improvement project master plan;

(b) Whether easements exist through which to run the connection or whether the connection would be run through private property, other than that of the person petitioning for the extreme hardship exception;

(c) The cost of the connection;

(d) The engineering feasibility and practicality of the connection; and

(e) The general health, welfare and safety of the rest of the community.

(2) Extreme hardship exceptions will be granted only for existing buildings with a properly operating septic system or septic system that can be properly operating within 30 days. If the septic system is not properly operating after 30 days of the granting of the hardship exception, the exception will be automatically revoked. This division will apply only to existing structures and the structure for which permits are issued after the ordinance codified in this division is in full force and effect shall be affected by this division.

(Prior Code, § 17-2) (Ord. 1798, § 2; Ord. 2008)

### **§ 53.003 CONNECTION TO SEWER.**

(A) *Permit required; fees.*

(1) 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.

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(2) There shall be 2 classes of building sewer permits: For residential and commercial service, and for service to establishments producing material 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 Inspector. A permit and inspection fee as set out in the Fee Schedule of this code for a residential or commercial building sewer permit and a fee as set out in the Fee Schedule of this code for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time application is filed.

(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 city 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 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as 1 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 Inspector, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF 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, exterior foundation drains, areaway drains or other sources of surface runoff groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the city, on the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(10) 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.

(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

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other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Prior Code, § 17-3) (Ord. 1798, § 3)

(B) *Tap-in fee; sewer connection fee structure.*

(1) The R.W. Armstrong tap-in fee recommendations of the City of Hobart, Indiana, dated July 31, 1990, and schedules, charts and exhibits thereto are incorporated herein, by reference.

(2) The sewer connection fee structure of the City of Hobart, Indiana shall be as follows.

(a) For all buildings and facilities constructed pursuant to a building permit issued as of the date passage of this chapter, the connection fee will be determined by referring to the connection fee schedule.

(b) "Estimated average daily flow" and the resulting tap-in fee is to be determined by the amount ascribed to the establishment or facility as set forth in the connection fee schedule attached hereto and incorporated herein as part of this chapter. Should a facility not be listed, the City of Hobart sanitary district will use the flow ascribed to a facility comparable to and most nearly like that facility being contemplated. Should there be no facility comparable most nearly like an establishment listed in the schedule the average daily flow will and the resulting fee will be determined by the Board of Public Works and Safety and approved by the Sanitary District Board of Commissioners.

(3) The engineering review and inspection costs are to be as set out in the Fee Schedule of this code.

(4) Furthermore, it is ordered and decreed that all connection fees are to be collected at the time the connection permit is issued.

(5) The connection fees shall be reviewed annually during the month this chapter is originally enacted.

(6) The transportation/treatment capacity replacement connection fee schedule is as set out in the Fee Schedule of this code.

(7) Properties which are located outside the City of Hobart boundaries and connecting to the city municipal sanitary sewers shall pay 3 times the tabularized rate stated in the Transportation/Treatment Capacity Replacement Connection Fee Schedule as the tap-on fee.

(Prior Code, § 17-3.1) (Ord. 90-50; Ord. 93-66, §§ 1, 2; Ord. 96-35, § 2)

### **§ 53.004 PROHIBITED DISCHARGES.**

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

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(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;

(3) Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works, or that interferes with any treatment process;

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

(5) Any leachate or any form of wastes, water or substances generated by a landfill process.

(B) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Superintendent the wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F or 65°C;

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 60 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F or 0 and 65°C;

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to the degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for the materials;

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

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(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.0;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

(d) Unusual volume of flow or concentration of wastes constituting "slugs", as defined in this chapter.

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

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

(a) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges;

(b) Reject the wastes in whole or in part for any reason deemed appropriate by the city;

(c) Require pretreatment of the wastes to within the limits of normal sewage, as defined;

(d) Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works; or

(e) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating the wastes.

(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

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

(E) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. Agents of the city, the state water pollution control agencies and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(F) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods of the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole, except for application for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA and any subsequent revisions subject to approval by the city. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD suspended solids analysis are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(G) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible herewith. (Prior Code, § 17-4) (Ord. 1798, § 4; Ord. 93-47, § 1)

**§ 53.005 PRETREATMENT STANDARDS.**

Pretreatment of industrial wastes from contributing industries prior to discharge to the treatment works is required and is subject to the EPA rules and regulations as contained in 40 C.F.R. pt. 403, entitled *General Pretreatment Regulations for Existing and New Sources of Pollution*, dated January 28, 1981, as amended. (Prior Code, § 17-5) (Ord. 1798, § 5)

**§ 53.006 PLANS REQUIRED; RECORD KEEPING.**

Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the city and no construction of the facilities shall be commenced until approval, in writing, is granted. Where the facilities are provided, they shall be

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maintained continuously in satisfactory and effective operating order by the owner at his or her expense and shall be subject to periodic inspection by the city to determine that the facilities are being operated in conformance with the applicable federal, state and local laws and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against city monitoring records.  
(Prior Code, § 17-6) (Ord. 1798, § 6)

### **§ 53.007 UNPOLLUTED WATER; DISCHARGE.**

Unpolluted water from air conditioners, cooling, condensing systems or swimming pools shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the city. Where a storm sewer is not available, discharge may be to a natural outlet approved by the city and by the State of Indiana. Where a storm sewer, combined sewer or natural sewer is not available, the unpolluted water may be discharged to a sanitary sewer pending written approval by the city.  
(Prior Code, § 17-7) (Ord. 1798, § 7)

### **§ 53.008 PRETREATMENT.**

Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clearwater shall be discharged in accordance with [§ 53.007](#).  
(Prior Code, § 17-8) (Ord. 1798, § 8)

### **§ 53.009 TREATMENT WORKS; INFORMATION.**

The city may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. The measurements, tests and analyses shall be made at the users' expense. If made by the city, an appropriate charge may be assessed to the user at the option of the city.  
(Prior Code, § 17-9) (Ord. 1798, § 9)

### **§ 53.010 SAMPLING OF WASTEWATERS.**

The strength of wastewaters shall be determined, for periodic establishment of charges provided for herein, from samplings taken at the aforementioned structure at any period of time and of a duration and in such manner as the city may elect or, at any place mutually agreed upon between the user and the city. Appropriate charges for sampling and analysis may be assessed to the user at the option of the city. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the city.  
(Prior Code, § 17-10) (Ord. 1798, § 10)

### **§ 53.011 INTERCEPTORS; STANDARDS.**

Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive

amounts, or any flammable wastes, sand or other harmful ingredients, except that the interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the city and shall be located so as to be readily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gastight, watertight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.  
(Prior Code, § 17-11) (Ord. 1798, § 11)

**§ 53.012 ACCIDENTAL DISCHARGE; NOTIFICATION.**

Users of the treatment works shall immediately notify the city of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.  
(Prior Code, § 17-12) (Ord. 1798, § 12)

**§ 53.013 COMPLIANCE WITH STANDARDS REQUIRED.**

All provisions of this chapter and limits set herein shall comply with any applicable state and/or federal requirements now or projected to be in effect.  
(Prior Code, § 17-13) (Ord. 1798, § 13)

**§ 53.014 SEWER WORKS; DAMAGING PROHIBITED.**

No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.  
(Prior Code, § 17-14) (Ord. 1798, § 14) Penalty, see [§ 53.999](#)

**§ 53.015 CITY’S RIGHT OF ENTRY.**

(A) The Superintendent, inspector and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his or her representative 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 such may be caused by negligence or failure of the company to

maintain safe conditions as required herein.

(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 purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works laying 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.

(Prior Code, § 17-15) (Ord. 1798, § 15)

#### **§ 53.016 VIOLATION; NOTIFICATION.**

Any person found to be violating any provision of this chapter, except [§ 53.015](#), shall be served by the city 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.

(Prior Code, § 17-16) (Ord. 1798, § 16)

#### **§ 53.017 APPEALS.**

Any differences that may arise between users and officials of the sewage works that cannot be resolved at that level may be appealed to the Board of Public Works and Safety of the city.

(Prior Code, § 17-17) (Ord. 1798, § 17)

#### **§ 53.018 DISPOSAL OF COMPOSTABLE MATERIAL.**

It is unlawful to place compostable material for collection by the city or to commingle compostable material with garbage, refuse, rubbish or recyclables placed for collection by the city.

(Prior Code, § 17-18) (Ord. 93-33, § 1-2)

### ***SEWER CONNECTIONS***

#### **§ 53.030 APPLICATION; FEE; REQUIRED.**

Any person desiring or required to connect his or her property to any of the city sewer lines of the city shall first obtain and fill out an application therefore in the office of the city's Engineer and shall pay a "tap-on" fee according to provisions contained in this subchapter.

(Prior Code, § 17-20) (Ord. 1805, § 1)

#### **§ 53.031 AGREEMENT TO PAY.**

The applicant shall agree to pay for sewer service at the rates provided by city ordinance and will comply with all other contractual provisions contained in the application form.

(Prior Code, § 17-21) (Ord. 1805, § 2)

**§ 53.032 CONNECTION CHARGE; DETERMINATION.**

(A) A base sewer connection charge shall be determined as set out in the Fee Schedule of this code.

(B) Extreme hardship is to be determined by the Board of Public Works and Safety, upon recommendation of at least 2 of the following 3 persons: the Building Official, the city’s Engineer or the city’s Council person in whose district is located the property in question, including the at-large Council person. The persons are to take into account the following factors:

(1) Whether the property is large enough to be subdivided at some date in the future; this determination must take into account the location of home and other outbuildings currently located on the property and the appropriate setbacks and yard lines required under current zoning; and

(2) Whether the property is currently subdivided into lots and if the home, building or other structure to be serviced by the city sewers is located on only 1 of those lots.  
(Prior Code, § 17-22) (Ord. 1805, § 3; Ord. 2009)

**§ 53.033 TAP-ON FEE; EXEMPTION.**

Prior to the adoption of the ordinance codified in this subchapter, no person who has paid a district and local sewer assessment shall be charged a tap-on fee, and any person, having paid a district assessment only, shall pay a tap-on fee as set out in the Fee Schedule of this code per foot of average lot width, and any person, having paid a local assessment only, shall pay a tap-on fee as set out in the Fee Schedule of this code per foot of average lot width.

(Prior Code, § 17-23) (Ord. 1805, § 4)

**§ 53.034 ADDITIONAL FEES.**

The base connection charges outlined herein shall include a connection servicing 1 or 2 families resident in a single structure. Additional charges shall be as set out in the Fee Schedule of this code for a connection servicing 3 to 6 families, inclusive, resident in a single structure, and an additional charge as set out in the Fee Schedule of this code shall be made for a connection servicing 7 to 12 families, inclusive, resident in 1 structure.

(Prior Code, § 17-24) (Ord. 1805, § 5)

**§ 53.035 FEE DISTRIBUTION.**

The proceeds of the tap-on fees collected shall be used as follows:

(A) The first \$300,000 shall be applied toward the cost of construction of the Hobart 1985 wastewater facilities improvement project in connection with the federal construction grant project No. C-180462 and shall be used to retire the bonded indebtedness as created by Bond Ord. 1796, adopted April 10, 1985.

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(B) All fees collected in excess of the \$300,000 shall be used as payment toward the cost of improving sewage works in the future.  
(Prior Code, § 17-25) (Ord. 1805, § 6)

### **§ 53.036 PAYMENT OF FEES.**

(A) All tap-on fees provided for in this subchapter shall be paid either in cash at the time the tap-on is made or over 12 equal monthly payments of 9% of the original fee each, the first is to be payable in the month next succeeding the month in which construction of the respective tap-on was made.

(B) Any property owner availing himself or herself of the monthly method of payment, as herein provided, shall sign a contract with the city authorizing and providing for the monthly method of payment.  
(Prior Code, § 17-26) (Ord. 1805, §§ 7, 8)

## ***PRIVATE SEWAGE DISPOSAL SYSTEMS***

### **§ 53.050 DEFINITIONS.**

For the purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

***HEALTH OFFICER.*** The legally designated health authority of the county or his or her authorized representative.

***INDIVIDUAL SEWAGE DISPOSAL SYSTEM.*** A sewage disposal system, other than a public or community system, which receives either human excreta or liquid waste, or both, from 1 or more premises. Included within the scope of this definition are septic tank soil absorption systems, and such other types as may be prescribed in regulations by the Health Officer.

***PERMIT.*** A written permit issued by the Health Officer permitting the construction of an individual sewage disposal system under this chapter.

***SEWAGE.*** Any combination of human excreta and wastewater from water closets, laundries, sinks, bathing facilities and other objectionable wastewater.  
(Prior Code, § 17-30) (Ord. 614, § 1)

### **§ 53.051 STATE REGULATIONS; ADOPTION BY REFERENCE.**

(A) Sewage disposal systems for private and business buildings shall be installed, constructed and maintained in an approved manner as described in bulletin S.E.8x13 of the state's Board of Health, copies of which are herewith incorporated by reference as a part of this section, and 2 copies of which are filed in the office of the city's Clerk-Treasurer and the county's Health Officer.

(B) Further, on site private sewage disposal requires in all cases that a plan be submitted that is subject to review and approval by the City Engineer. In the interest of public health, safety and welfare, the City Engineer has the authority to require connection to an off-site public sanitary system. An appeal of the City Engineer's determination is to be processed as referenced in [§ 53.017](#) (Prior Code, § 17-31) (Ord. 614, § 1; Ord. 2004-05)

**§ 53.052 COUNTY HEALTH OFFICER; AUTHORITY.**

(A) The county's Health Officer, in order to protect the health and safety of the people of the city and of the general public, is authorized and directed, after public hearing, to promulgate and amend, from time to time, regulations establishing minimum standards governing the design, construction, installation and operation of individual sewage disposal systems. The regulations shall establish the minimum standards as, in the judgment of the Health Officer, will ensure that the waste discharged to various individual sewage disposal systems:

- (1) Does not contaminate any drinking water supply;
- (2) Is not accessible to insects, rodents or other possible carriers of disease which may come in contact with food or drinking water;
- (3) Does not pollute or contaminate the waters of any bathing beach, shellfish breeding grounds or stream used for public or domestic water supply purposes or for recreational purposes;
- (4) Is not a health hazard by being accessible to children;
- (5) Does not give rise to a nuisance because of odor or unsightly appearance; and/or
- (6) Will not violate any other laws or regulations governing water pollution or sewage disposal.

(B) The Health Officer is authorized to promulgate such additional regulations as are necessary, in his or her judgment, to carry out the provisions of this chapter. (Prior Code, § 17-32) (Ord. 614, § 2)

**§ 53.053 CONSTRUCTION PERMITS.**

(A) *Required.* Before commencement of construction of a private sewage disposal system, the owner or agent of the owner shall first obtain a written permit signed by the county's Health Officer. (Prior Code, § 17-33)

(B) *Application; fee.*

(1) The application for a construction permit for a private sewage disposal system shall be made on a form provided by the county's Board of Health, which application shall be supplemented by plans, specifications and other information as deemed necessary by the county's Health Officer. A permit and inspection fee as set out in the Fee Schedule of this code shall be

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paid to the county's Board of Health at the time the application is filed.

(2) Applications for permits shall be in writing, shall be signed by the applicant and shall include the following:

(a) The name and address of the applicant;

(b) The lot and block number of the property on which such construction, alteration or extension is proposed;

(c) A complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of the Health Officer; and

(d) Such further information as may be required by the Health Officer to substantiate that the proposed construction, alteration or extension complies with the regulations promulgated by the county's Health Officer.

(Prior Code, § 17-34)

(C) *Plan submission.* The complete plan required to be submitted to the county's Health Officer for the purpose of obtaining a permit for a private sewage disposal system shall include:

(1) The number, location and size of all sewage disposal facilities to be constructed, altered or extended;

(2) The location of water supplies, water supply piping, existing sewage disposal facilities, buildings or dwellings and adjacent lot lines; and

(3) Plans of the proposed sewage disposal facilities to be constructed, altered or extended.

(Prior Code, § 17-35)

(D) *Inspection.* A permit for a private sewage disposal system shall not become effective until the installation is complete to the satisfaction of the county's Health Officer. He or she or his or her agent shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the county's Health Officer 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 county's Health Officer.

(Prior Code, § 17-36)

(E) *Denial.* The Health Officer shall refuse to grant a permit for the construction of an individual sewage disposal system where public or community sewerage systems are reasonably available.

(Prior Code, § 17-37)

(F) *Denial; appeal.* Any person whose application for a permit under this subchapter has been denied may request a hearing and shall be granted the hearing on the matter before the county's Health Officer within 30 days after the receipt of the request.

(Prior Code, § 17-38)

(Ord. 614, § 3)

**§ 53.054 SYSTEM DEFECTS; DUTY TO CORRECT.**

Should any defect exist or occur in any private or business sewage disposal system which would cause the sewage disposal system to fail to meet the requirements of this chapter and cause an unsanitary condition, the defect shall be corrected immediately by the owner or his or her agent or the occupant.

(Prior Code, § 17-39) (Ord. 614, § 2)

**§ 53.055 COMPLIANCE WITH CHAPTER.**

After receipt of an order in writing from the county's Health Department, the owner, agent of the owner, occupant or agent of the occupant of the property shall comply with the provisions of this chapter as set forth in such order and within the time limits included therein. The order shall be served on the owner or the occupant or an agent of the owner; provided that, the order may be served on any person who by contact with the owner has assumed the duty of complying with the provisions of an order.

(Prior Code, § 17-40) (Ord. 614, § 2)

**§ 53.056 ENFORCEMENT AUTHORITY.**

The Health Officer or his or her agent, bearing proper credentials and identification, shall enforce this subchapter and regulations promulgated under this subchapter.

(Prior Code, § 17-41) (Ord. 614, § 4)

**§ 53.057 HEALTH OFFICER; RIGHT OF ENTRY.**

The owner or occupant of any property shall give the Health Officer free access to the property at reasonable times for the purpose of making the inspections as are necessary to determine compliance with the requirements of this subchapter and regulations promulgated under this chapter.

(Prior Code, § 17-42) (Ord. 614, § 4)

***SEWER CHARGES***

**§ 53.070 DEFINITIONS.**

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

***BIOCHEMICAL OXYGEN DEMAND (BOD).*** The same meaning, as defined in [§ 53.001](#).

***CITY.*** The City of Hobart, Indiana, acting by and through the Board of Public Works and Safety.

***BOARD.*** The Board of Public Works and Safety of the city or any duly authorized officials

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acting in its behalf.

**DEBT SERVICE COSTS.** The average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

**EXCESSIVE STRENGTH SURCHARGE.** An additional charge which is billed to users for treating sewage wastes with an average strength in excess of “normal domestic sewage”.

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

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES).** The same meaning as defined in [§ 53.001](#).

### **NORMAL DOMESTIC SEWAGE.**

(1) For the purpose of determining surcharges, wastewater or sewage having an average daily concentration as follows:

- (a) BOD not more than 170 mg/l; and
- (b) SS not more than 200 mg/l.

(2) As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

**OPERATION AND MAINTENANCE COSTS.** All costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state and local requirements. (These costs include replacement.)

**OTHER SERVICE CHARGES.** Tap charges, connection charges, area charges and other identifiable charges other than user charges, debt service charges and excessive strength surcharges.

**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.

**REPLACEMENT COSTS.** The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage works equipment to maintain the capacity and performance for which the works were designed and constructed.

**SEWAGE.** The same meaning as defined in [§ 53.001](#).

**SEWER USE ORDINANCE.** A separate and companion enactment to the ordinance codified in this subchapter, which regulates the connection to and use of public and private sewers. The sewer use ordinance is codified in [§§ 53.001 et seq.](#)

**SUSPENDED SOLIDS (SS).** The same meaning as defined in [§ 53.001](#).

**USER CHARGE.** A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works pursuant to § 204(b) of Pub. L. No. 92-500.

**USER CLASS.** The division of wastewater treatment customers by source, function, waste characteristics and process or discharge similarities (i.e., residential, commercial, industrial, institutional and governmental).

(1) **COMMERCIAL USER.** Any establishment involved in a commercial enterprise, business or service which based on a determination by the city discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(2) **GOVERNMENTAL USER.** Any federal, state or local governmental user of the wastewater treatment works.

(3) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

(4) **INSTITUTIONAL USER.** Any establishment involved in a social, charitable, religious and/or educational function which, based on a determination by the city discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(5) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for 1 or more persons, including all dwelling units and the like. (Prior Code, § 17-50) (Ord. 1797, § 1)

**§ 53.071 CLASS OF SERVICE.**

(A) Every person whose premises are served by the sewage works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(B) User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

(C) The various classes of users of the treatment works for the purpose of this subchapter shall be as follows:

- (1) Class I - Residential;
- (2) Commercial;
- (3) Governmental;
- (4) Institutional; and

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(5) Industrial.  
(Prior Code, § 17-51) (Ord. 1797, § 2)

### § 53.072 RATES.

(A) For the use of the service rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the city sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the city.

(B) The rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(1) The sewage rates and charges 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, plus a base charge, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service:

(a) *Table A.* See the Fee Schedule of this code.

(b) *Table B.* See the Fee Schedule of this code.

(2) The water meters shall be read bi-monthly and the users shall be billed monthly based on monthly estimated usage for the first month adjusted to actual in the second month. The water usage schedule on which the amount of the rates and charges shall be determined shall be as set out in Table A.

(C) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units, except as herein provided. Sewage service bills shall be rendered monthly. The schedule on which the rates and charges shall be determined is set out in Table B.

(D) For the service rendered to the city, the city shall be subject to the same rates and charges provided in Tables A and B located in the Fee Schedule, or to charges and rates established in harmony therewith. Properties which are located outside the City of Hobart boundaries and served by the sewage works of the city shall pay 3 times the tabularized rate as the user fee.

(E) In order to recover the cost of monitoring industrial wastes the city shall charge the user not less than the amount as set out in the Fee Schedule of this code per sample or cost thereof. This charge will be reviewed on the same basis as all other rates and charges in this subchapter. (Prior Code, § 17-52) (Ord. 1797, § 3; Ord. 92-18, (part); Ord.96-35; Ord. 2000-17, § 1)

### § 53.073 SANITARY SEWERS; METERING RESPONSIBILITIES.

(A) The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the city shall be determined by the city in such manner as the city shall reasonably elect, and the sewage service shall be billed at the above appropriate

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rates; except as hereinafter provided in this section, the city may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the city that the quantities do not enter the sanitary sewerage system.

(B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the Gary-Hobart Water Corporation, its successors or assigns, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the city, then the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method or measurement acceptable to the city in order to ascertain the rates or charges provided in this subchapter.

(C) In the event a lot, parcel or real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the Gary-Hobart Water Corporation, its successors or assigns, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the city, then the owner or other interested parties shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city in order to ascertain the rates or charges provided in this subchapter.

(D) In the event 2 or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow 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.

(E) In the event 2 or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of dwelling units times \$5.85 monthly. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent 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.

(F) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, and uses water in excess of 10,000 gallons monthly, and it can be shown to the satisfaction of the city that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(G) In order that single-family domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September, the billing for sewage services for residents and/or domestic users for the months of June, July,

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August and September shall be based upon the average water usage for the previous months of January, February, March and April. In the event the water usage for the previous months of January, February, March and April is greater than the water usage for the months of June, July, August and September, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage services as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a residence. The sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial 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 water meter, and in such 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.

(Prior Code, § 17-53) (Ord. 1797, § 4)

### **§ 53.074 SEWERS; STRENGTHS AND CONTENT.**

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

(B) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 170 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger than normal domestic waste shall be made on the following basis:

- (1) *Rate surcharge based upon suspended solids.* See the Fee Schedule of this code.
- (2) *Rate surcharge based upon BOD.* See the Fee Schedule of this code.

(C) The determination of suspended solids and 5-day biochemical oxygen demand contained in the waste shall be in accordance with the latest copy of *Standard Methods for the Elimination of Water, Sewage and Industrial Wastes*, as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with *Guidelines Establishing Test Procedures for Analysis of Pollutants*, 40 C.F.R. pt. 136, published in the Federal Register on October 13, 1973.

(Prior Code, § 17-54) (Ord. 1797, § 5)

### **§ 53.075 BILLING.**

The rates and charges shall be prepared, billed and collected by the city in the manner provided by law and ordinance.

- (A) The rates and charges for all users shall be prepared and billed monthly. Annually, each

user shall be notified of the portion of the total billing charged for operation, maintenance and replacement for that user during the preceding year.

(B) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested, in writing, by the owner, but the billing shall, in no way, relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by the tenant or tenants; provided that, the examination shall be made at the office at which the records are kept and during the hours that the office is open for business.

(C) As is provided by statute, all rates and charges not paid by the tenth day of the month following receipt are declared to be delinquent and a penalty of 10% of the amount of the rates or charges shall thereupon attach thereto.

(Prior Code, § 17-55) (Ord. 1797, § 6)

**§ 53.076 RATE REVIEW.**

(A) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the city shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the ordinance codified in this subchapter goes into effect. The study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the wastewater treatment systems.

(B) Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the city shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. The studies shall be conducted by officers or employees of the city or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the city shall determine to be best under the circumstances.

(Prior Code, § 17-56) (Ord. 1797, § 7)

**§ 53.077 ENFORCEMENT AUTHORITY.**

(A) The city shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the city's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage treatment works, the sewerage collection system and for the regulation, collection, rebating and refunding of the rates and charges.

(B) The city is authorized to prohibit dumping of wastes into the city's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the city, or to require methods affecting pretreatment of the wastes to comply with the pretreatment

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standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works or as may be contained in the EPA General Pretreatment Regulations, 40 C.F.R. part 403 and any amendments thereto or the city's pretreatment program plan.  
(Prior Code, § 17-57) (Ord. 1797, § 8)

### **§ 53.078 APPEAL.**

Any differences that may arise between users and officials of the sewage works that cannot be resolved at that level may be appealed to the Board of Public Works and Safety of the city.  
(Prior Code, § 17-58) (Ord. 1797, § 9)

### **§ 53.079 SPECIAL RATE CONTRACTS.**

The Board is further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and the reduction shall be limited to the reduced costs.  
(Prior Code, § 17-59) (Ord. 1797, § 11)

### **§ 53.080 EFFECTIVE DATE OF SUBCHAPTER.**

The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of the ordinance codified in this subchapter.  
(Prior Code, § 17-60) (Ord. 1797, § 12)

### **§ 53.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 10.99](#).

(B) (1) Any person who shall continue any violation beyond the time limit provided in [§ 53.016](#)(A) shall be guilty of a violation and, on conviction thereof, shall be fined in an amount not exceeding \$2,500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(2) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.  
(Prior Code, § 17-16) (Ord. 1798, § 16)

(C) Any person or entity violating [§ 53.004](#) shall be fined not less than \$2,500 for each and every day during which a prohibited discharge occurs and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.  
(Prior Code, § 17-61) (Ord. 93-47, § 2)

