ORDINANCE NO. 2023-\_\_\_\_\_

AN ORDINANCE AMENDING AND REPLACING ORDINANCE 2022-02   
REGULATING THE CONNECTION TO AND USE OF   
PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND   
CONNECTION OF BUILDING SEWERS, PRIVATE SEWAGE DISPOSAL, AND THE   
DISCHARGE OF WATERS INTO PUBLIC SEWERS OF THE TOWN OF SPURGEON,   
PIKE COUNTY, INDIANA, AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF SPURGEON, INDIANA, ORDINANCE 2022-02 is hereby amended and restated AS FOLLOWS:

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GENERAL PROVISIONS

# DEFINITIONS.

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

## ***BOARD.*** The Town Board of the Town of Spurgeon, Indiana.  It is the governing body of the sewage system, which system is a public service.

## ***BOD5* or *BIOCHEMICAL OXYGEN DEMAND.*** As applied to sewage, sewage effluent, polluted waters or industrial wastes, is the quantity of dissolved oxygen in mg/l 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 of BOD shall be made in accordance with procedures set forth in Standard Methods, therein and conventionally referred to as BOD5.

## ***BUILDING.***  Any structure having a roof supported by columns or walls for the shelter, support, enclosure or protection of persons, animals, chattels or other property.  When separated by a party wall, without opening through the wall, each portion of the building shall be considered a separate building.

## ***BUILDING DRAIN SANITARY.*** A building drain which conveys sanitary or industrial sewage only.

## ***BUILDING SEWER.*** The extension from the Building Drain to the Service Connection

## ***CHEMICAL OXYGEN DEMAND (OR COD5).***  As applied to sewage, sewage effluent, polluted waters or industrial wastes, is 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.

## ***COMBINED SEWER.*** A sewer receiving both surface runoff and sewage.

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

## ***CONSTITUENTS AND CHARACTERISTICS (OF WASTEWATER).***  The chemical, physical, bacteriological and radiological properties, including volume, flow rate and any other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

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

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

## ***INFLOW.***  Water other than wastewater entering the sewerage system from sources such as leaders, cellars, yard areas and foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff and street wastewater or drainage.

## ***INFILTRATION.***  The water entering the sewerage system directly or via private sewers, building drains and building sewers connected therewith from the ground, through means such as, but not limited to, defective pipe joints, connections or manhole walls.

## ***INSPECTOR.***  A person authorized by the Board to perform inspection duties assigned to him or her by the Board.

## ***LATERAL SEWER.***  The extension from the building drain to the sewerage system or other place of disposal.

## ***MAY.*** The action referred to is permissive.

## ***NATURAL OUTLET.*** Any outlet into a Watercourse, pond, ditch, lake, or other body of surface or groundwater.

## ***NORMAL DOMESTIC SEWAGE.***  Sewage as discharged by residential users with a BOD5 concentration not in excess of 400 mg/l and a suspended solids concentration not in excess of 500 mg/l.

## ***NUISANCE.***  Any substance which is injurious to health or offensive to the senses of an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

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

## ***pH.*** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

## ***POLLUTION.***  An alteration of the quality of water by waste, contaminants or pollutants to a degree which renders the water unfit for beneficial users.

## ***PROPERLY SHREDDED GARBAGE.*** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

## ***PUBLIC SEWER.***A sewer and appurtenances owned and controlled by the Town. In the event an easement described Section 14(A) of this Ordinance is granted to the Town, the Public Sewer shall consist of sewer piping from the Service Connection to a grinder pump station (consisting of approximately 4 or 5 feet of piping), grinder pump, grinder pump tank, valves, and electrical control panel, disconnect switch and all electrical wiring from the disconnect switch to the electrical control panel, power and control wiring from the control panel to the grinder pump, sewer piping from the grinder pump station to the collection system force main, including redundant check and ball valves, and the force main collection system, including cleanouts, line valves, air release valves, and manholes. In the event an easement described in Section 14(A) is not granted to the Town, the Public Sewer shall consist of redundant checks and ball valve and the force main collection system, including cleanouts, line valves, air release valves, and manholes.

## ***SANITARY SEWAGE.***  Sewage such as, and having the characteristics of, domestic sewage from dwellings including apartment houses and hotels, office buildings, factories, or institutions free from storm and surface water and industrial wastes.

## ***SANITARY SEWER.***A sewer which carries sanitary sewage and to which storm, surface, and groundwaters are not intentionally admitted.

## ***SANITARY WASTE.***Waste from toilets, urinals, lavatories, sinks, bathtubs, showers, household laundries, garage floor drains, bars, soda fountains, refrigerator drips, drinking fountains, and all other water carried wastes except Industrial Wastes.

## ***SERVICE CONNECTION****.* The point of connection between the Building Sewer and the Public Sewer. Provided, however, that, in the event that an owner of property to be provided with sewage disposal service by the Town refuses to grant an easement referenced in Section 14(A)of this Ordinance, the Service Connection shall be the point of connection between the Building Sewer and the Service Line.

## ***SERVICE LINE.*** The sewer, grinder pump or other pump, and other appurtenances extending from the Service Connection to the public right-of-way, easement, or other location where the Town has a right to construct, install inspect, repair, maintain, and replace Sewage Works.

## ***SEWAGE.*** A combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface, and stormwaters as may be present.

## ***SEWAGE TREATMENT PLANT.*** Any arrangement of devices and structures used for treating sewage.

## ***SEWAGE WORKS.*** All facilities for collecting, pumping, treating, and disposing of sewage.

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

## ***SHALL.*** The action referred to is mandatory.

## ***SLUG.*** Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

## ***STORM DRAIN* or *STORM SEWER.*** A sewer which carries storm and surface waters and drainage, but excludes sewage and Industrial Wastes, other than unpolluted cooling water.

## ***SUPERINTENDENT.*** The Superintendent of Sewage Works of the Town, or his or her authorized deputy, agent, or representative, or an independent contractor hired by the Town to perform such services as set out herein for the Superintendent.

## ***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.

## ***TOWN*.** The Town of Spurgeon, Indiana.

## ***USER.***  A person who introduces into or discharges into, including both the owner and occupant of real estate from which it is introduced or discharged into, the sewerage system any substances whatever.

## ***WASTE.***  Sanitary sewage and any and all other waste substances, including liquid, solid, gaseous or radio-active, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including waste placed within containers or whatever nature prior to, and for purposes of, disposal.

## ***WASTEWATER.***  The water-carried waste from residences, commercial buildings, government buildings, institutions and industrial buildings, singular or in any combination, together with any ground, surface and storm waters as may be present.

## ***WASTEWATER TREATMENT PLANT.***  Any arrangement of devices and structures used by the Town for treatment and disposing of sewage, sludge, and other sewage constituents and products.

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

# RIGHT TO MAKE AND ENFORCE REGULATIONS.

The Board shall make and enforce such regulations and ordinances as may be deemed necessary for the safe, economical and efficient management of the Town's Sewage Works, sewer system, for the construction and use of Building Sewers, connections to the sewer system, the regulation, collecting, rebating, and refunding of rates and charges, and for regulation of private sewage disposal.

BUILDING SEWERS AND CONNECTIONS

# USE OF PUBLIC SEWERS REQUIRED; PRIVY UNLAWFUL.

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.

# CONNECTION WITH PUBLIC SEWER REQUIRED.

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes requiring wastewater disposal, situated within the Town, is hereby required to cause his property to be connected with the Public Sewer in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said Public Sewer is within three hundred (300) feet of the owner's property line. Such notice shall be provided in accordance with I.C. 36-9-23-30 or by personal service upon the owner. (B) When a property owner is required by the terms of this ordinance to connect to the Public Sewer of the Town and fails or refuses to do so after receiving appropriate notice from the Town, at least ninety (90) days before a date for connection stated in the notice, the Town shall apply to the Circuit Court of Pike County for an order to force connection, with the cost of the action, including reasonable attorney's fees of the Town, to be assessed by the Court against the property owner in the action, all of which is provided for by I.C. 36-9-23-30(d).

# NO EXEMPTIONS TO CONNECTION TO PUBLIC SEWER

Except as may be provided by statute there shall be no exception to the obligation to connect to the Public Sewer as required to by Section 4, above.

# PROHIBITED ACTION.

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 Superintendent.

# CLASSES OF PERMITS.

## There shall be four (4) classes of Building Sewer permits, one for residential, one for commercial, one for schools, and one for service to establishments producing Industrial Wastes.

## In all cases, the owner or his or her agent shall make application on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

# RESPONSIBILITY OF OWNER.

All costs and expenses incidental to the installation and connection of the Building Sewer to the Public Sewer shall be borne by the owner, including the installation of the grinder or other pump, sewer lines, and appurtenances necessary to make such connection. Those portions of the installation that are included in the definition of Public Sewer shall only become part of the Public Sewer upon completion, inspection and acceptance by the Town. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

# SEPARATE SEWER FOR EVERY BUILDING.

## A separate and independent Building Sewer shall be provided for every building.

## Old Building Sewers may be used in connection with new buildings only when the owner employs a qualified party to make a closed-circuit television internal inspection of the old Building Sewer and such inspection meets all of the requirements of this chapter to the satisfaction of the Superintendent.

# MATERIAL AND METHODS OF CONSTRUCTION.

The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, back-filling the trench and connecting the building to the Service Connection of the Service Line shall all conform to the requirements of Title 327 Indiana Administrative Code Section 3-6-18.

# CONNECTION OF BUILDING SEWER TO PUBLIC SEWER.

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 Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.E.F. Manual of Practice FD-S*.* 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.

# INSPECTION.

The applicant for the Building Sewer permit shall notify the Superintendent when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.

# PHYSICAL SAFEGUARDS.

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 relevant authority that will be affected, i.e. Town, County, Indiana Department of Transportation (INDOT) or other relevant party.

# EASEMENTS; OPERATION AND MAINTENANCE RESPONSIBILITIES, CONTRACTORS, AND ELECTRICAL SERVICE

## **On-Lot Easements.**

## Prior to the construction of any portion of a Public Sewer on private property to which a Service Connection will, can, or may be made, the Town may request that the owner of record of the premises to be connected execute an easement in a form provided by the Town granting the Town permission to install, inspect, operate, maintain, repair, and replace that portion of the Public Sewer designed to be located on the owner's property and to which the Service Connection is designed to be made.

## **Town's Responsibility for Repairs, Operation, and Maintenance.**

## The cost of all repairs, installation, operation, maintenance, inspection and replacement of the Public Sewer, including any portion of the Public Sewer lying on private property for which the Owner has granted an easement to the Town, shall be borne by the Town as part of the Town's budgeted annual expense of the System.

## **Contractor Requirements.**

## Any Person desiring to construct or install, repair, maintain, or replace a Building Sewer or a Service Line, or uncover, make any connection with or opening into, use, alter or disturb any Public Sewer or appurtenances thereof, must register with the Town. The registration shall be made on a calendar year basis.

## **Demolition of Existing Buildings.**

## The owner of an existing building to which a Service Connection has been made, shall obtain a permit from the Town to disconnect the Building Sewer from the Service Connection or the Service Connection from the Public Sewer and cap the same before demolition or removal of the building and shall permit and cause the disconnection and related construction to be inspected by the Town in accordance with this regulation.

## **Provision of Electrical Service.**

## Unless determined by the Board that an alternative configuration is more financially viable, the owner of a building to which a Service Connection is made or required as provided herein shall provide and maintain an electrical service as specified by the Town for the operation of a grinder or other pump or other appurtenances requiring electricity incorporated as a part of the Sewage Works for purposes of providing sewage disposal to that owner's premises. The owner shall also be responsible for all billings in connection with said electrical service.

USE OF PUBLIC SEWERS; PROHIBITED ACTS; DISCHARGES

# PROHIBITED DISCHARGES TO SANITARY SEWER.

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.

# STORM SEWERS.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as Storm Sewers, or to a Natural Outlet approved by the Superintendent or other appropriate authority, i.e. the Department of Natural Resources (DNR), County Engineer, Army Corp of Engineers. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent or other appropriate authority, to a Storm Sewer, or Natural Outlet.

# PROHIBITED DISCHARGES TO ANY SEWER.

## No Person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Superintendent that 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 to 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:

### 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 and paper dishes, cups, milk containers, and the like, either whole or ground by Garbage grinders.

### 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;

### Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

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

### Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

### Any waters or wastes containing phenols or other taste-or odor-producing substances, in 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 discharge to the receiving waters;

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

### Any waters or wastes having a pH lower than 5.5 or in excess of 9 or having any other corrosive properly capable of causing damage or hazard to structures, equipment, and personnel of the Sewage Works;

### Materials which exert or cause:

#### Unusual concentrations of inert Suspended Solids in excess of 500 mg/l (such as but not limited to fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate);

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

#### Unusual BOD5 in excess of 400 mg/l, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or

#### Unusual volume of low or concentration of wastes constituting Slugs, as defined herein.

### Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment plant.

# PROHIBITION OF CERTAIN WASTEWATER CONCENTRATIONS.

## A Person shall not discharge any wastewater containing waste concentration in excess of those allowed under the applicable national pretreatment standards.

## If no pretreatment standard exists, the following concentration prohibitions shall apply, unless modified by the Board:

### 0.20 mg/l; cadmium;

### 0.25 mg/l hexavalent chromium (Cr, VI) for 1 day, or 0.09 mg/l hexavalent chromium for any 30-consecutive day average;

### 2 mg/l copper;

### 0.20 mg/l cyanide amenable to chlorination (CN, A) for 1 day, or 0.08 mg/l cyanide amenable to chlorination for any 30-consecutive day average;

### 0.64 mg/l cyanide, total (CN, T) for 1 day, or 0.24 mg/l cyanide total for any 30-consecutive day average;

### 1.00 mg/l lead;

### 0.20 mg/l mercury;

### 0.80 mg/l nickel;

### 0.10 mg/l silver;

### 1 mg/l zinc;

### 200 mg/l oil and grease of animal or vegetable origin;

### 100 mg/l oil and grease of mineral or petroleum origin;

### 1 mg/l phenolic compounds which cannot be removed by the Town's wastewater treatment process;

### Other concentrations than stated above are prohibited if applicable state or federal regulations or regulations of the Board set different maximum concentrations; and/or

### Any other substance or concentration thereof prohibited to all users or classes of users by state or federal law, or regulation now or hereafter adopted by the Board.

# NOTIFICATION OF ACCIDENTAL DISCHARGES.

## A user shall notify the Superintendent immediately upon discharging, accidentally or otherwise, chemicals, corrosive substances, or any other matter that is or may be deleterious to the sewerage system or treatment process, or wastewaters in violation of this chapter, to enable countermeasures to be taken by the Town to minimize damage to the sewerage system, treatment processes and the receiving stream.

## This notification shall be followed within seven days of the date of occurrence by a detailed written report, signed by the user, describing the causes of the discharge and the measures being taken to prevent future similar occurrences.

## The notification will not relieve users of liability for any expense, loss or damage to the sewerage system, wastewater treatment plant or treatment process, or any fines or penalties imposed by the Town, which expense, loss or damage shall be paid for by the user.

# VIOLATION OF LIMITED DISCHARGE.

## 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 Section 18, and which in the judgment of the Superintendent may have a deleterious effect upon the Sewage Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

### Reject the waste;

### Require pretreatment to an acceptable condition for discharge to the Public Sewers;

### Require control over the quantities and rates of discharge; and/or

### Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 34.

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

# GREASE, OIL, SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

# PRETREATMENT FACILITIES.

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.

# CONTROL MANHOLE.

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.

# TEST STANDARDS.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater,* published by the Water Environment Federation, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. 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 analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally but not always, BOD and Suspended Solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

# SPECIAL ARRANGEMENTS.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industry of concern.

# PROHIBITED CONNECTIONS.

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 tum is connected directly or indirectly to a public Sanitary Sewer.

# PROTECTION FROM DAMAGE.

## 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 Sewage Works.

## Any Person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

# PROHIBITED DEPOSITS; DISCHARGE TO NATURAL OUTLET 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 Town, or in any area under the jurisdiction of the Town, any human or animal excrement, Garbage, or other objectionable waste.

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

ENFORCEMENT

# EASEMENT.

## The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, 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.

# PENALTY.

## Any Person who violates any provision of this ordinance for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding $2,500.00. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

## Any Person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

## Any Person who shall continue any violation beyond the time limit provided for in division B of this section (31) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding $500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

## Any Person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of the violation, including where applicable the cost and expense to repair or replace any grinder pump or other equipment damaged by such violation.

Validity & Ordinance in Force

# VALIDITY.

## All ordinances or parts of ordinances in conflict herewith, including, without limitation, are hereby repealed.

## The invalidity of any section or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

# ORDINANCE IN FORCE.

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED and ADOPTED by the Town Board of the Town of Spurgeon, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022.**

Eric Heaton, President

Ron Beadles, Board Member

Pam Coberly, Board Member

ATTEST:

Dorothy A. Julian, Clerk-Treasurer

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