

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL PROVISIONS

51. WATER

52. GARBAGE AND RUBBISH

53. UTILITY DISCONNECTIONS

CHAPTER 50: GENERAL PROVISIONS

Section

50.01 Free access to utility meters

§ 50.01 FREE ACCESS TO UTILITY METERS.

(A) *Title.* This section and all ordinances supplementary or amendatory thereto shall be known as the "Ordinance Permitting Access to Utility Meters."

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

METER INSPECTOR. Any representative of the town who is appointed to conduct an examination of meters on behalf of the town.

RESIDENTS. Shall include both the resident who occupies any premises and the owner of the premises.

(C) *Free access to meters.*

(1) Any individual reading a meter on behalf of the town shall have free access to any meter located within or about the building.

(2) In the event the utility meter is located within the premises of a building, the resident shall provide the town with a means of entrance for the purpose of examining the meter.

(D) *Prohibited activity.* Any resident of any building shall be prohibited from placing or allowing the obstruction to a meter inspector of free access to the interior of a building for the meter inspector to examine the meter.

(E) *Effective date.* This section shall be in full force and effect from and after its adoption and publication, as required by law.

(Ord. 1992-1, passed 1-20-1992) Penalty, see § 10.99

CHAPTER 51: WATER

Section

- 51.01 Schedule of water rates and charges
- 51.02 Water utility bill payments and deposits
- 51.03 Tampering with or bypassing of water meters
- 51.04 Issuance of nonsufficient fund checks for payment of water bills

§ 51.01 AMENDED SCHEDULE OF WATER RATES AND CHARGES.

WHEREAS, the Town of Milton ("Town") has determined that an increase in the schedule of rate and charges to be collected by the Town for the use of and the services rendered by the waterworks system of the Town is necessary; and therefore, by the passing of this Ordinance, amends Section 51.01, Schedule of Water Rates and Charges.

(A) *Generally.* There shall be and there are hereby established for the use of and the service rendered by the waterworks system of the town the following rates and charges, based on the use of the water supplied by the waterworks system.

(1) *Metered rates per month.*

<i>Consumption per Month</i>	<i>Rate per 1,000 Gallons</i>
First 4,000 gallons	\$8.19
Next 20,000 gallons	\$7.46
All gallons in excess of 24,000 gallons	\$6.20

(2) *Minimum charges per month.*

<i>Meter Size</i>	<i>Per Month</i>
3/4-inch meter or less	\$23.40
1-inch meter or less	\$51.95
1.5-inch meter or less	\$84.45
2-inch meter or less	\$80.11
3-inch meter or less	\$120.17
4-inch meter or less	\$233.88

Milton - Public Works

(3) *Public fire protection.*

<i>Rate per Hydrant per Year</i>	<i>Rates per Year</i>
	\$210

(B) *Tapping fees.*

(1) Each user, in advance of the time the user is connected with the waterworks system, shall pay a charge to cover the costs associated with tapping the main, furnishing and laying service pipe, corporation and stock cocks, serve and meter box and installing a meter.

(2) The charge for a three-fourth-inch or less meter shall be \$286.20. The charge for a tap for any meter greater than three-fourth inch shall be the actual cost of labor and materials. The town may require, as part of the authorization to be connected to the waterworks system, a payment in advance of the estimated cost of labor and materials. In the event that the estimate is less than the actual costs incurred for the connection, the user shall, within ten days of being provided a copy of the actual costs incurred, pay any difference to the town. In the event that the estimate is greater than the actual cost incurred for the connection, the town shall, within ten days of being provided the actual cost of the connection, return any difference to the user.

(C) *Deposits and service charges.*

(1) Each user, in advance of the time the user is connected to the waterworks system, shall pay a \$25 deposit that shall be refunded in the event that the user keeps water bills current for one year from the date the user receives service.

(2) Each user, in advance of the time the user is connected to the waterworks system, shall pay a nonrefundable \$15 service charge. This service charge may be waived in the event that the water does not need to be turned on or the meter read out.

(D) *Reasonable and just.* The Town Council finds that the rates and charges set forth above in divisions (A) through (C) of this section are reasonable and just rates and charges for services in connection with the waterworks system of the town, pursuant to I. C. 8-1.5-3-8.

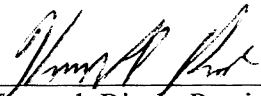
(E) *Effective date.* This section shall be in full force and effect from and after its passage and final adoption, beginning on the first day of the first full month following the date of adoption. (Ord. 2-2003, passed 12-10-2003; 3-2007, passed 8-14-2007)

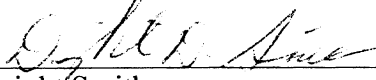
§ 51.02 WATER UTILITY BILL PAYMENTS AND DEPOSITS.

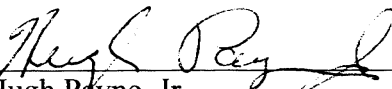
(A) *Title.* This section shall be known as the "Town of Milton Payment and Deposit Policy Ordinance.

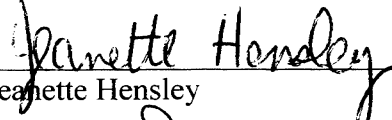
PASSED AND ADOPTED by the Town Council of the Town of Milton on the 9th day
of April, 2013.

TOWN COUNCIL OF THE TOWN OF
MILTON, INDIANA


Kenneth Risch, President


Dwight Smith


Hugh Payne, Jr.


Jeanette Hensley


Agnes Fisher

ATTEST:


Terry Craig, Clerk-Treasurer

(B) Purpose. The purpose of this section is to establish uniform rules and regulations for the charging of deposits, the payment of water utility bills, and the rules for shutting off of water utility services and reconnection thereof.

(C) Deposits.

(1) Prior to providing water utility services for any resident who wishes to receive those services is to pay the following deposit and service connection fee:

(a) If the customer owns the premises in which he or she resides and seeks water services, the connection fee will be \$15; and

(b) If the customer rents the residence for which he or she seeks water services, the connection fee will be \$50 dollar deposit plus a \$15 dollar connection fee.

(2) The deposit will be refunded one year after the date of first receiving water utility services if the customer has paid all of his or her monthly water utility charges on time.

(D) Payment and late fee payments.

(1) Monthly statements for water utility usage will be mailed out on or about the first day of the month. When the first day of the month falls on a holiday or weekend, the bills will be mailed on the first business day following the holiday or weekend.

(2) All residents are required to pay the utility charges as reflected on the bill on or before the fifteenth day of the month.

(3) Customers who shall not pay their bills on or before the fifteenth of each month shall incur a 5% penalty.

(4) Every customer that has incurred a late fee bearing a higher percentage than five percent (5%) within the previous six months from the date of passage of this Ordinance shall receive a retroactive reduction in that late fee to reflect the present late fee percentage of five percent (5%). This retroactive reduction shall be applied as a credit to the customer's bill.

(5) If any customer shall pay by a check which is dishonored, the customer shall incur a \$35 charge, if the check is honored by his or her bank when presented for the second time. If the check is dishonored by a customer's bank upon being presented a second time, the customer shall incur an additional service charge, it shall be deemed that the customer failed to pay his or her water bill, and the customer shall incur the same costs for late charges and be subject to disconnection pursuant to division (E) of this section.

(E) Disconnection of services.

(1) Any customer who shall fail to pay his or her bill on or before the fifteenth day of a month shall receive a warning that his or her service will be disconnected on the first day of the next month if payment in full for the water utility is not received.

(2) Service will be disconnected on the first business day of the month following the month in which the water utility bill was issued for customers who fail to pay the utility bill on or before the last day of the month in which the bill was issued.

(Ord. 2001-2, passed - -)

§ 51.03 TAMPERING WITH OR BYPASSING OF WATER METERS.

(A) *Title.* This section shall be entitled "Prohibiting Altering the Use of a Water Meter and Prohibiting the Altering the Water Line So as to Bypass a Water Meter."

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

BYPASSING A METER. The routing of water so that water used by a customer of the town shall not flow through a meter and be measured prior to the use by the customer.

WATER METER. Any measuring device which is installed by the town or any agent thereof for the purposes of measuring the flow of water to a user of water as supplied by the town.

(C) *Prohibited practices.* It shall be prohibited for any customer who utilizes water supplied by the town:

(1) To tamper with or alter any water meter so that the meter will not record the flow of water from the water supply from the town through the meter to an individual user;

(2) To install any device, mechanical or otherwise, which would bypass a water meter so as to prevent the flow of water from registering on the meter; and/or

(3) To reconnect or turn on the flow of water through a meter, once the meter has been closed or turned off by a representative of the town waterworks.

(Ord. 1995-3, passed 4-3-1995) Penalty, see § 10.99

§ 51.04 ISSUANCE OF NONSUFFICIENT FUND CHECKS FOR PAYMENT OF WATER BILLS.

(A) Any individual who issues a nonsufficient fund check to the town will be charged a \$10 return check fee.

(B) The Clerk-Treasurer will issue notice to the individual who issues a nonsufficient fund check by certified mail, return receipt requested.

(C) The nonsufficient fund check must be replaced by cash, money order, or certified check within five business days from the receipt of the notice from the Clerk-Treasurer that the check has not cleared the bank.

(D) Presenting of a nonsufficient fund check shall be considered a nonpayment of the individual's water utility account and the account shall be subject to disconnection in accordance with the town's policy concerning nonpayment.

(E) Any individual who shall present a nonsufficient fund check to the town for payment of a utility bill may not pay his or her utility account by check for a period of one year. All future payments must be by cash, money order, or certified check. In the the event a check is presented to the town by an individual for payment of a water utility bill, the town will refuse to accept the check as payment and the water account shall be considered unpaid and subject to disconnection according to the town's policy concerning nonpayment.

(Ord. passed - -)

CHAPTER 52: GARBAGE AND RUBBISH

Section

- 52.01 Definitions
- 52.02 Limitations and prohibitions
- 52.03 *[Reserved]*
- 52.04 Collection and disposal
- 52.05 *[Reserved]*

§ 52.01 DEFINITIONS.

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

GARBAGE. Those putrescible wastes resulting from the growing, handling, storage, preparation, cooking, and consumption of food.

HEALTH OFFICER. The Health Officer having jurisdiction in the county, or his or her authorized representative.

INCINERATOR. A mechanical facility used to burn waste substance where combustion factors of temperature, retention time, and air are controlled.

NATURAL GROWTH. Trees, brush, or other vegetation in its natural state, either dead or alive.

NONCOMBUSTIBLE CONTAINER. A container that can withstand a temperature of 1,500°F.

OPEN BURNING. Any fire from which the products of combustion are emitted directly into the outdoor atmosphere without passing through a stack.

PERSON. An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.

RUBBISH. All putrescible and nonputrescible wastes, including any noncombustible and combustible substances, such as cans, paper, brush, glass, cardboard, wood, scrap metals, bedding, yard clippings, crocker, and the like.

TOWN COUNCIL. The Town Council of the Town of Milton, Indiana, or its authorized representative.

WOOD PRODUCTS. Material derived from or consisting of wood or vegetation such as paper, cardboard, rags, boards, branches, brush, grass, leaves, and similar materials.
(Ord. 1992-5, passed 9-21-1992)

§ 52.02 LIMITATIONS AND PROHIBITIONS.

(A) The owner, occupant, or lessee of any premises in the town shall cause to be removed from the premises all garbage and rubbish, and shall keep the premises at all times free and clear of any accumulation of garbage and rubbish.

(B) It shall be unlawful for any person to deposit or place any garbage or rubbish in any alley, street, river, or other public place within the town, nor shall any person deposit or place any refuse upon private property, whether owned by that person or not, within the limits of the town, unless the same shall be enclosed in an approved container.

(C) Improper or unsanitary conditions of refuse containers and areas shall be reported to the owner of same by a properly-authorized official of the Town Council. Containers found to be in violation of this chapter must be replaced within a period of seven days under penalty provided in this chapter. After due notice has been given to the responsible person to dispose of defective or illegal containers, they may be collected as rubbish by the Town Council.

(D) Accumulations of materials other than rubbish shall be stored in an orderly manner so as not be be unsightly or create a possible health or fire hazard. The Town Council and/or the Health Officer shall have the authority to make the determination of "orderly manner."

(E) The following fires are permitted:

- (1) Fires celebrating Twelfth Night ceremonies;
- (2) Fires celebrating school pep rallies;
- (3) Fires celebrating scouting activities;
- (4) Camp fires;
- (5) Fires used in connection with the preparation of fire;

(6) Residential burning, where residence contains four or fewer units. Burning shall be in a noncombustible container with enclosed sides, a bottom, and a mesh covering with openings no larger than one-fourth inch square. Burning is permitted in apartment complexes and mobile home parks; and

(7) Burning may be permitted only in locations which are a minimum distance of 30 feet from any combustible structure, fixture, or material.

(F) All of the foregoing exemptions shall be subject to the following.

- (1) Only wood products shall be burned.
- (2) Fires shall be attended at all times until completely extinguished.
- (3) If fires create a pollution problem, a nuisance, or a fire hazard, they shall be extinguished.
- (4) All residential burning shall occur during daylight hours during which the fires may be replenished, but only in such a manner that all of the burning material is consumed by sunset.
- (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, and the like.

(G) Burning with prior approval of the Town Council or the Fire Chief may be authorized for the following:

- (1) Emergency burning of petroleum products;
- (2) Burning of refuse consisting of material resulting from a natural disaster;
- (3) Burning for the purpose of fire training;
- (4) Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of land; and
- (5) Burning of highly explosive or other dangerous materials.

(H) No resident shall place burnable wood products or natural growth for pickup by the town rubbish removal service.

(Ord. 1992-5, passed 9-21-1992) Penalty, see § 10.99

§ 52.03 [RESERVED].

[Reserved]

§ 52.04 COLLECTION AND DISPOSAL.

(A) Generally. The town shall provide for the collection of garbage and rubbish in the town. The collection shall be made from all premises at least once per week, provided that the materials for collection are properly stored for collection in compliance with the provision of this chapter. The schedule of collections shall be established from time to time by the Town Council, or a designee thereof.

(B) Fees.

(1) The fees for collection by the town shall be paid monthly in advance and shall be as follows:

(a) Single-family residence. Fifteen dollars and sixty cents per month, which shall include the collection and removal of not more than six bags per week. Each additional bag shall require a collection and removal fee of \$1 per bag;

(b) Multi-family residence. Fifteen dollars and sixty cents per month for each family unit that can be occupied within the residence. This fee shall include the collection and removal of not more than six bags per week per unit. Each additional bag shall require a collection and removal fee of \$1 per bag; and

(c) Business and commercial. Fifteen dollars and sixty cents per month, which shall consist of not more than eight bags per week. Each additional bag shall require a collection and removal fee of \$1 per bag.

(2) Owners or occupants shall be billed monthly in advance for the appropriate collection fee for his, her, or their premises. When an owner or occupant of any premise fails to pay the collection fee by the due date thereof, a late fee of 5% shall be added to the amount due, and the town may take any and all appropriate legal action to collect any past due amount. The town shall be entitled to recover any costs incurred by the town in the collection of any delinquent amount from any owner or occupant with a delinquent amount owed to the town, the costs to include but not limited to, court costs and attorney fees.

(3) Every customer that has incurred a late fee bearing a higher percentage than five percent (5%) within the previous six months from the date of passage of this Ordinance shall receive a retroactive reduction in that late fee to reflect the present late fee percentage of five percent (5%). This retroactive reduction shall be applied as a credit to the customer's bill.

(C) Residence obligated to pay fee. All residence of the town shall be obligated to pay the flat monthly fee, as set forth in division (B) of this section. In addition to removing the garbage and rubbish for residents of the town, the purpose of the removal of garbage and rubbish by the town is to protect the health, safety, and welfare of the entire community.

(D) Trash Fund. The town shall maintain a Trash Fund for the town, into which shall be deposited all fees received under the provisions of this chapter for the collection and disposal of garbage and rubbish. The Fund shall be a cumulative nonreverting fund which shall be used for the payment of the cost of garbage and rubbish collection and disposal services provided by or contracted for by the town.

If provided by the town, the costs shall include, but are not necessarily limited to, fuel costs, insurance costs, equipment costs, landfill costs, maintenance costs, equipment storage costs, disposal costs, labor costs, and administrative costs.

(E) *Vacant lots or parcels.* Notwithstanding division (C) of this section, the owner of any lot or parcel located in the town shall not be obligated to pay the flat monthly fee if the lot or parcel is vacant. For purposes of this division (E), a **VACANT LOT** or **PARCEL** shall be defined as a lot or parcel which contains no improvement of any nature (home, garage, mobile home, building, other structure, and the like), is free and clear of any accumulation of garbage and rubbish, and on which there is no garbage placed for removal. All other requirements for premises under this chapter shall be still be applicable to vacant lots or parcels.

(F) *Reasonable and just.* The Town Council now finds that the rates and charges set forth in this section are reasonable and just rates and charges for services in connection with the collection and disposal of garbage and rubbish by the town.

(G) *Effective date.* This section shall be in full force and effect from and after its passage and final adoption, or 5-1-2005, whichever is later.
(Ord. 1992-5, passed 9-21-1992; Ord. 2-2005, passed 4-6-2005; Ord. 5-2005, passed 10-5-2005)

§ 52.05 [RESERVED].

[Reserved]

TOWN OF MILTON, INDIANA

MILTON TOWN COUNCIL

ORDINANCE NO. 2009- 5

**AN ORDINANCE AMENDING CHAPTER 52 OF THE TOWN
OF MILTON, INDIANA CODE OF ORDINANCES AND
INCREASING THE SCHEDULE OF FEES AND RATES TO
BE CHARGED FOR THE COLLECTION AND DISPOSAL
OF SOLID WASTE, GARBAGE AND RUBBISH**

WHEREAS, the Town of Milton, Indiana ("Town") owns and operates a trash, garbage and refuse collection and disposal service for the benefit of its residents (the "Service"); and

WHEREAS, the passage of time and the general increase in operational and maintenance costs associated with the Town's provision of the Service require an increase in the monthly fees to be charged to the users of the Service; and

WHEREAS, this council, as the legislative body of the Town, hereby finds that the following fees are just and reasonable and shall be invoked on a non-discriminatory basis to all users of the Service within the applicable usage categories.

NOW, THEREFORE, BE IT ORDAINED by the Town of Milton, Indiana, town council that Chapter 52, §52.04(B) (1) of the Town's Code of Ordinances be amended to read as follows:

(B) Fees.

(1) The fees for collection by the town shall be paid monthly in advance and shall be as follows:

- (a) *Single-family residence.* Fifteen and 60/100 dollars (\$15.60) per month, which shall include the collection and removal of not more than six (6) bags per week. Each additional bag shall require a collection and removal fee of \$1.00 per bag; and
- (b) *Multi-family residence.* Fifteen and 60/100 dollars (\$15.60) per month for each family unit that can be occupied within the residence. This fee shall include the collection and removal of not more than six (6) bags per week per unit. Each additional bag shall require a collection and removal fee of \$1.00 per bag; and
- (c) *Business and commercial.* Fifteen and 60/100 dollars (\$15.60) per month, which shall include the collection and removal of

not more than eight (8) bags per week. Each additional bag shall require a collection and removal fee of \$1.00 per bag.

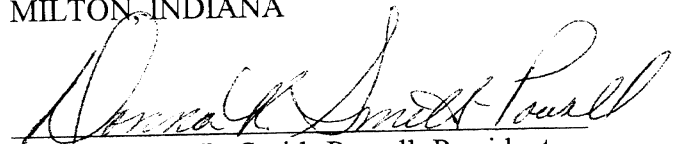
EXCEPT AS specifically amended herein, all other provisions of Chapter 52 of the Town's Code of Ordinances shall remain fully effective in accordance with their respective terms and the same are hereby reaffirmed, ratified and reenacted by this Council.

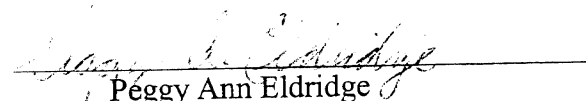
BE IT FURTHER ORDAINED that the Town's Clerk-Treasurer shall cause notice of a public hearing to be conducted for purposes of allowing public input and comment on the herein proposed water usage rate increases to be published pursuant to IC 5-3-1.

BE IT FURTHER ORDAINED that this ordinance shall become effective following the public hearing thereon and upon subsequent passage thereof with the new rates herein adopted to become effective with the regular billing for Service usage beginning after March 1, 2010.

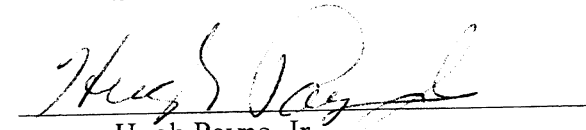
Passed and adopted by the Town Council of the Town of Milton this 12th day of January, 2010.


TOWN COUNCIL OF THE TOWN OF
MILTON, INDIANA


Donna R. Smith-Powell, President

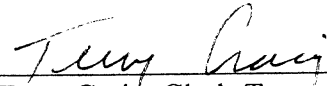

Peggy Ann Eldridge

Brian Hook


Hugh Payne, Jr.


Kenneth Risch

ATTEST:



Terry Craig, Clerk-Treasurer

CHAPTER 53: UTILITY DISCONNECTIONS

Section

53.01 Disconnection for late payment

§ 53.01 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the town to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The town's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect that:

(1) All bills are due and payable on or before the date set forth on the bill;

(2) If any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, and is 30 days or more delinquent, service will be discontinued for nonpayment; and

(3) Any customer disputing the correctness of his or her bill shall have a right to a hearing, at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

Statutory reference:

Similar state law, see I.C. 8-1.5-3-4(d)

TOWN OF MILTON, INDIANA

ORDINANCE NO. 2011 - 01

An Ordinance Regulating the Use of Public and Private Sewers and Drains, Private Wastewater Disposal, the Installation and Connection of Building Sewers, and the Discharge of Waters and Wastes into the Public Sewer System(s); and Providing Penalties for Violations Thereof.

Be it ordained and enacted by the Council of the Town of Milton, Indiana as follows:

ARTICLE I **Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated:

Sec. 1 "Act" – The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et. seq.

Sec. 2 "ASTM" – American Society for Testing Materials

Sec. 3 "Authority" – The Town of Milton, Indiana, or its representative

Sec. 4 "BOD5 or Biochemical Oxygen Demand" – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade in terms of milligrams per liter (mg/l).

Sec. 5 "Building Drain" – That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.

Sec. 6 "Building Sewer" – The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

Sec. 7 "Town" – The area within the corporate boundaries of the Town as presently established or as amended by ordinance or other legal actions at a future time. The term "Town" when used herein may also be used to refer to the Town Council and its authorized representative.

Sec. 8 "Capacity Fee" – A Fee developed by the Town to determine the value of the available capacity that is proposed to be used by a user whose discharge exceeds their equivalent of 10 EDU's.

Sec. 9 "Chemical Oxygen Demand (COD)" – The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

Sec. 10 "Compatible Pollutant" – Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment facilities are designed to treat such pollutants to a degree that complies with effluent concentration limits imposed by the permit.

Sec. 11 "Control Manhole" – A structure specially constructed for the purpose of measuring flow and sampling of wastes.

Sec. 12 "Easement" – An acquired legal right for the specific use of land owned by others.

Sec. 13 "EDU" – Equivalent Dwelling Unit is a unit of measure for the sewage generated from particular buildings or users. One EDU is equal to an approximation of the amount of sewage generated by an average single-family residence both in volume and in strength, and is equivalent to 310 gallons per day (gpd) with the concentration of normal domestic waste. EDU's shall be calculated based on the projected non-domestic daily flow in gallons per day divided by 310 gpd.

Sec. 14 "Fecal Coliform" – Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

Sec. 15 "Floatable Oil" – Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

Sec. 16 "Garbage" – Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Sec. 17 "Incompatible Pollutant" – Any pollutant that is not defined as a compatible pollutant (Sec. 10) including non-biodegradable dissolved solids.

Sec. 18 "Industry" – any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

Sec. 19 "Industrial Waste" – Gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

Sec. 20 "Infiltration" – Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

Sec. 21 "Infiltration/Inflow (I/I)" – The total quantity of water from both infiltration and inflow.

Sec. 22 "Inflow" – Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

Sec. 23 "Interference" – The inhibition or disruption of the Town's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the Town's NPDES and/or SDS Permit. The term includes of sewage sludge use or disposal by the Town in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the Town.

Sec. 24 "Inter-local Agreement" – Agreement between the Town of Milton and another Municipality to provide services not provided by the Town of Milton.

Sec. 25 "IDEM" – Indiana Department of Environmental Management.

Sec. 26 "ISBH" – Indiana State Board of Health and Bulletin S.E. 13

Sec. 27 "National Categorical Pretreatment Standards" – Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.

Sec. 28 "National Pollutant Discharge Elimination System (NPDES) Permit" – A permit issued by the IDEM, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

Sec. 29 "Natural Outlet" – Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

Sec. 30 "Non-contact Cooling Water" – The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

Sec. 31 "Normal Domestic Strength Waste" – Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 200 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

Sec. 32 "Person" – Any individual, firm, company, corporation, partnership, joint venture, limited liability company, limited liability partnership, association, society, corporation, or any group or association by whatever style it might be designated.

Sec. 33 "pH" – The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Sec. 34 "Residential Sewer Installation Procedures" – Installation procedures approved by the Town of Milton and included with the Sewer Connection Permit.

Sec. 35 "Pretreatment" – The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly owned treatment works (See Sec. 5).

Sec. 36 "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 cm) in any dimension.

Sec. 37 "Sewage" – The spent water of a community. The preferred term is wastewater.

Sec. 38 "Sewer" – A pipe or conduit that carries wastewater or drainage water, more specifically defined as follows:

- a. "Collection Sewer" – A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- b. "Combined Sewer" – A sewer intended to serve as a sanitary sewer and a storm sewer.
- c. "Force Main" – A pipe in which wastewater is carried under pressure.

- d. "Interceptor Sewer" – A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- e. "Private Sewer" – A sewer which is not owned and maintained by a public authority.
- f. "Public Sewer" – A sewer owned, maintained and controlled by a public authority.
- g. "Sanitary Sewer" – A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
- h. "Storm Sewer or Storm Drain" – A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Sec. 39 "Shall" – is mandatory; **"May"** – is permissive.

Sec. 40 "Significant Industrial User" – Any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

Sec. 41 "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 fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

Sec. 42 "Superintendent" – The utilities superintendent or a deputy, agent or representative thereof, or such designated person as shall be appointed from time to time by the Town Council while acting as the Utility Board.

Sec. 43 "Suspended Solids (SS) or Total Suspended Solids (TSS)" – The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.

Sec. 44 "Toxic Pollutant" – The concentration of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, as defined in standards issued pursuant to Section 307(a) of the Act.

Sec. 45 "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 benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See "Non-contact Cooling Water", Sec. 26.)

Sec. 46 "User" – Any person who discharges or causes or permits the discharge of wastewater into the Town's wastewater disposal system.

Sec. 47 "Wastewater" – The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

Sec. 48 "Wastewater Treatment Works or Treatment Works" – An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the Town for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clearwell facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Sec. 49 "Watercourse" – A natural or artificial channel for the passage of water, either continuously or intermittently.

Sec. 50 "WPCF" – The Water Pollution Control Federation.

ARTICLE II **Control by the Utilities Town**

Sec. 1 The Utilities – Town shall have control and general supervision of all public sewers and service connections in the Town, and shall be responsible for administering the provisions of this ordinance to the end that a proper and efficient public sewer is maintained.

ARTICLE III **General Prohibitions and Requirements to Connect**

Sec. 1 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 jurisdiction, any human or animal excrement, garbage or objectionable waste.

Sec. 2 It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3 Except as provided hereinafter, 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 wastewater.

Sec. 4 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the Town and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, shall be required at the owner(s)' expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within ninety (90) days of the date said public sewer is operational, provided said public sewer is within two hundred (200) feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer

connections are not made pursuant to this section, an official thirty (30) – day notice shall be served instructing the affected property owner to make said connection.

Sec. 5 In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article III, Section 4 of the Ordinance, the Town must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the Town Council and shall be certified to the Auditor of the County of Wayne, Indiana and shall be collected and remitted to the Town in the same manner as assessments for local improvements. The rights of the Town shall be in addition to any remedial or enforcement provisions of this ordinance.

ARTICLE IV

Building Sewers and Connections

Sec. 1 Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD5, and suspended solids, as determined by the Town.

Sec. 2 No unauthorized person(s) 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 Town.

Sec. 3 Applications for permits shall be made agent and the party employed to do the work and shall include the location, name of owner, street number where connected, and how occupied. No person shall extend a building drain beyond the limits of the permit for which the service connection permit has issued to the owner or authorized work.

Sec. 4 There shall be three (3) classes of building sewer permits; to wit: (a) residential, (b) commercial service, and (c) for service to establishments producing industrial wastes. In any case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the Town. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, daily volume, characteristics, and type of activity.

Sec. 5 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may be directly or indirectly occasioned by the installation building of the sewer.

Sec. 6 A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

Sec. 7 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town or its representative, to meet all applicable requirements of this ordinance.

Sec. 8 The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Indiana Building and Plumbing Code or other applicable rules and

Ordinance No. 2011 - 01

Page 7 of 15

regulations of the Town. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

Sec. 9 Whenever possible, the building sewer shall be brought to the building at a minimum elevation two feet below ground level. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The cost of which shall be borne by the property owner.

Sec. 10 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

Sec. 11 The connection of the building sewer into the public sewer shall conform to the requirements of the State of Indiana Building and Plumbing Code or other applicable rules and regulations of the Town, or 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, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the Town prior to installation.

Sec. 12 The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Town or authorized representative thereof.

Sec. 13 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 shall not be disturbed in the course of the work without the prior written approval of the Town or its authorized representative, and shall be restored in a manner satisfactory to the Town upon completion of the installation.

Sec. 14 No contractor or plumber shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any contractor or plumber except such regularly licensed contractor or plumber. Individual homeowner shall be allowed to install their own service lateral and make connection to the sewer subject to proper application and inspection by the Town.

Sec. 15 Any person desiring a permit to make a service connection with public sewers shall apply in writing to the Town Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a permit. All applications shall be referred to the Town for recommendations to the Council. If approved by the Council, such permit shall be issued by the Town Clerk upon the filing of a bond as hereinafter provided.

Sec. 16 No permit shall be issued to any person until a one thousand dollar (\$1,000.00) bond to the Town, approved by the Council, is filed with the Town Clerk conditioned that the permittee will indemnify and save harmless the Town from all suits, accidents, and damages that may arise by reason of any opening in any street, alley, or public ground, made by the permittee or by those in the permittee's employment for any purpose whatsoever, and that the permittee will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Town, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be lawfully imposed on the permittee arising from such activities by the permittee.

Sec. 17 The permit fee for making service connections is one thousand dollars (\$1,000) per EDU for a gravity sewer connection and five thousand dollars (\$5,000) per EDU for a pressure sewer connection. All permits shall expire six (6) months after issuance of the permit unless the permit is suspended or revoked by the Council for cause. Upon failure to apply for a permit renewal prior to the expiration date thereof, the permit fee for the ensuing year shall be \$500.

Sec. 18 The Council may suspend or revoke any permit issued under this article for any of the following causes:

- a. Giving false information in connection with the application for a permit.
- b. Incompetence of the permittee or the permittee's agent or contractor.
- c. Willful violation of any provisions of this article or any rule or regulation pertaining to the making of service connections.

ARTICLE V

Use of Public Services

Sec. 1 No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

Sec. 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the Town and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the Town and upon approval and the issuance of a discharge permit by the IDEM.

Sec. 3 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfide.
- b. Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- c. Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

Sec. 4 The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment; will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water; and will not otherwise endanger lives, limb, public property, or constitute a nuisance. The above-described limitations shall at all times be sufficient to assure compliance with the inter-local agreement between the Town of Milton and the City of Connersville. Limitations hereunder may be lower than the corresponding limitations established in the regulations below if, in the opinion of the Town of Milton or the City of Connersville, such more restrictive limitations are necessary to meet the above objections. In forming its opinion as to the acceptability of wastes, the Town of Milton or the City of Connersville will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the City of Connersville's NPDES permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer that shall not be violated without approval of the Town are as follows:

- a. Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F (40 degrees C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.
- b. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.6 degrees C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.
- c. Any quantities or flow, concentrations, or both which constitute a "slug" as defined herein. (See Article I, Section 39.)
- d. Any garbage not properly shredded, as defined in Article I, Section 14. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- f. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- g. Non-contact cooling water or unpolluted storm. drainage, or ground water.

- h. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.
- i. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.
- j. Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the following limits for such materials:

<u>Waste or Chemical</u>	<u>Daily Maximum Concentration (mg/l)</u>
Arsenic	0.018
Cadmium	0.018
Copper	0.60
Cyanide	0.80
Lead	0.80
Mercury	0.004
Nickel	1.8
Silver	1.8
Total Chromium	1.8
Hexavalent Chromium	1.8
Zinc	3.5
Iron	10.0
Phenolic compounds	20.0

- k. Any wastewater that creates conditions at or near the wastewater disposal system that violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.
- l. Any waters or wastes containing BOD₅ or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement and subject always to the provisions of Section 16 of this Article.

Sec. 5 If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers that contain substances or possess the characteristics enumerated in Section 4 of this Article, and/or which in the judgment of the Town, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving water and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- a. Reject the wastes,

Ordinance No. 2011 - 01

Page 11 of 15

- b. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof,
- c. Require control over the quantities and rates of discharge, and/or,
- d. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges. If the Town permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be subject to the review and approval of the Town pursuant to the requirements of the IDEM.

Sec. 6 No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 3 and 4 of this Article, or contained in the National Categorical Pretreatment Standards or any applicable state requirements.

Sec. 7 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

Sec. 8 Grease, oil, and sand interceptors shall be provided for all restaurants and food establishments for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(b), any flammable wastes as specified in Section 3(a), sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. Oil & grease interceptors shall conform to the recommendations outlined in the Indiana State Board of Health (ISBH) bulletin SE 13 section 501. In maintaining those interceptors, the owner(s) shall be responsible for the installation of the interceptor, proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal; which records are subject to review by the Town. Any removal and hauling of the collected materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

Sec. 9 Where required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.

Sec. 10 The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the Town, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Ordinance and any special conditions for discharge established by the Town or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the Town. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure compliance with applicable Federal, State and local standards. The owner shall report the results of measurements and laboratory analyses to the Town at such times and in such manner as prescribed by the Town. The owner shall bear the expense of all measurements, analyses, and reporting required by the Town. At such times as deemed necessary, the Town reserves the right to take measurements and samples for analyses by an independent laboratory of Town's choosing. Should the results of any such independent laboratory analyses procured by Town disclose a material violation of any applicable

Ordinance No. 2011 - 01

Page 12 of 15

Federal, State or local standard, then all costs associated with the procurement of such independent laboratory analyses shall be reimbursed to the Town by the owner(s).

Sec. 11 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Town.

Sec. 12 Where required by the Town, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. Users shall notify the Town immediately upon having a slug or accidental discharge of substances of wastewater in violation of this ordinance to enable countermeasures to be taken by the Town to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the Town on account thereof under any State and Federal law. Employees shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

Sec. 13 No person, having charge of any building or other premises that drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within ninety (90) days after receipt of written notice from the Town, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Town may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of one hundred twenty (120) days, the Town may cause such work to be completed at the expense of the owner or representative thereof.

Sec. 14 Whenever any service connection becomes clogged, obstructed, broken or out of order, or otherwise detrimental to the use of the public sewer, is found through testing to be a source of inflow and/or infiltration or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Town may direct. Each day after seven (7) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Town may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the Town.

Sec. 15 The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

Sec. 16 In addition to any penalties that may be imposed for violation of any provision of this chapter, the Town may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the Town.

Sec. 17 No statement contained in this Article 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 or City of Connersville for treatment, subject to payment therefore by the industrial concern, provided however, that National Categorical Pretreatment Standards of the City of Connersville's Pretreatment System Permit limitations are not violated.

ARTICLE VI

Prohibition Against Willful Damage to System

Sec. 1 No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

ARTICLE VII

User Rate Schedule for Charges

Sec. 1 Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in Ordinance No. 2010-01.

ARTICLE VII

Powers and Authority of Inspectors

Sec. 1 The superintendent or other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the Town's sewer system in accordance with the provisions of this ordinance.

Sec. 2 The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes that have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however; the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors or visit an unreasonable competitive disadvantage upon that industry.

Sec. 3 While performing necessary work on private properties, the superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the private owner, and the owner shall be held harmless for injury or death to the Town employees and the Town shall indemnify the owner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in Article V, Section 9, of this ordinance.

Sec. 4 The superintendent or 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, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE IX

Penalties

Sec. 1 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 period for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, shall be guilty of a violation of this ordinance, and if so found in violation, shall be subject to fine in the amount not exceeding fifty dollars (\$50) for each violation. Each day in which any such violation occurs and is permitted to continue by the owner past the date for abatement and correction thereof shall be deemed as a separate violation for purposes of the enforcement of this ordinance.

Sec. 3 Any person violating any of the provisions of this ordinance shall be liable to the Town for any expenses, losses, or damages, including reasonable attorneys fees incurred by Town in the enforcement of such liability, by reason of such violation(s).

ARTICLE X

Validity

Sec. 1 This ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

Sec. 2 All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this ordinance, are hereby repealed to the extent of such inconsistency or conflict.

(End of Ordinance – Council Action and Signature Template Follows)

INTRODUCED AND PASSED on first reading, read by title only, this 10th day of May 2011, to be advanced to second reading and put on public hearing to be held on June 14, 2011, at 6:30 o'clock, p.m., local time in Milton, Indiana.

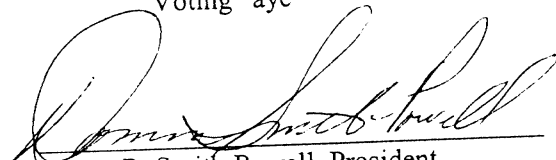
DULY HEARD on second reading, by title only, following public hearing.

MOTION TO ENGROSS duly made, seconded and unanimously passed and Ordinance No. 2011- 01 advanced to third and final reading and read by title only.

DULY ADOPTED AND ORDAINED this 14th day of June 2011.

TOWN OF MILTON, INDIANA
By its duly elected Town Council

Voting "aye"


Donna R. Smith-Powell, President

Voting "nay"


Donna R. Smith-Powell, President

Peggy Ann Eldridge

Peggy Ann Eldridge



Hugh Payne, Jr.

Hugh Payne, Jr.


Kenneth Risch

Kenneth Risch

ATTEST:


Terry Craig, Clerk-Treasurer

CHAPTER 54: SEWER

AN ORDINANCE ESTABLISHING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF MILTON FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED THEREWITH

54.01 SCHEDULE OF SEWER RATES AND CHARGES

WHEREAS, IC 36-9-23 provides that a municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works; and

WHEREAS, the Town Council finds that the sewage rates and charges as set forth in this ordinance are sufficient to enable the Town to properly operate and maintain its sewage works facility, pay debt service on its bonds and fund additions and improvements to the system; and

WHEREAS, the Town Council finds that the rates and charges set forth herein are reasonable and just and are based upon the cost of providing service to the customers of the sewage works;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILTON, INDIANA:

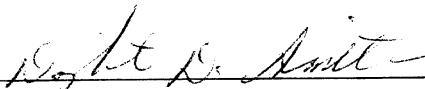
1. The rates and charges set forth on Exhibit A are hereby approved and shall become effective when upon passage.
2. All ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the Town Council of the Town of Milton on the 14th day of May, 2013

TOWN COUNCIL OF THE TOWN OF MILTON, INDIANA

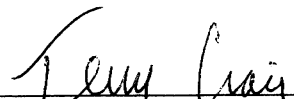


Ken Risch, President



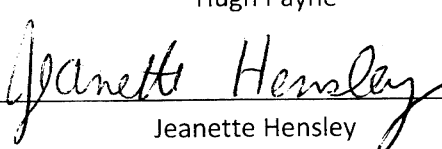
Dwight Smith, Vice President

ATTEST:




Terry Craig, Clerk-Treasurer

Hugh Payne



Jeanette Hensley



Agnes Fisher

Exhibit A

Milton Municipal Sewer Works Rates and Charges

I. Recurring Rates and Charges

A. Full Metered Rates – Monthly

Minimum Bill – Per Month	\$ 43.50
First 4,000 Gallons – Per 1,000 Gallons Used	\$ 14.14
Next 20,000 Gallons – Per 1,000 Gallons Used	\$ 12.48
Over 24,000 Gallons – Per 1,000 Gallons Used	\$ 5.22

II. Non-Recurring Rates and Charges

A. Connection Charge (Standard) – $\frac{3}{4}$ inch meter \$ 1,000.00

B. Connection to pressurized line – Grinder Pump \$ 5,000.00

C. Deposit – All customers shall be required to make a sewer deposit in the amount of \$50.00. This deposit shall be refunded one year after its receipt if the customer has paid all of his or her monthly sewer utility charges on time.

D. Returned Check Fee- \$ 35.00

E. Late Payment Charge – Customers who shall not pay their bills on or before the fifteenth of each month shall incur a 5% penalty.

F. Every customer that has incurred a late fee bearing a higher percentage than five percent (5%) within the previous six months from the date of passage of this Ordinance shall receive a retroactive reduction in that late fee to reflect the present late fee of five percent (5%). This retroactive reduction shall be applied as a credit to the customer's bill.

