

ORDINANCE NO. 2003 - 3

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE SERVICE OF  
THE JENNINGS NORTHWEST REGIONAL UTILITIES' WASTEWATER UTILITY

WHEREAS, the **Jennings Northwest Regional Utilities**, of Jennings County, Indiana, is the owner and operator of a wastewater utility consisting of a collection system and a wastewater treatment plant capable of furnishing sewer service to said District, its inhabitants and others in the surrounding area; and,

WHEREAS, the **Jennings Northwest Regional Utilities** has the authority pursuant to Indiana Code 13-26 et seq., to furnish sewer utility service to the District, and to regulate the furnishing of such sewer utility service to the public and establish rates and charges for such service; and,

WHEREAS, it is necessary for said **Jennings Northwest Regional Utilities** to establish rules and regulations for connection to and the discharge of waters and wastes into the District's wastewater utility and the payment therefor.

BE IT NOW, THEREFORE, ORDAINED by the Board of Trustees for the **Jennings Northwest Regional Utilities**, as follows:

**SECTION 1. DEFINITIONS.**

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

1. **Storm Sewer** (sometimes termed "storm drain") shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

2. **Sanitary Sewer** shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
3. **Utility Manager** shall mean the individual designated and employed by Jennings Northwest Regional Utilities to manage and operate the District's Wastewater Treatment Plant and System.

## SECTION 2. CONNECTION TO WASTEWATER UTILITY SERVICE.

A. Any individual, partnership, association, business or corporation having an interest in real estate located in the District, and desirous of service from the District's sewer utility, hereinafter "customer," shall make application, along with payment of the appropriate sewer deposit and account setup fee, to the Utility Clerk at the District office prior to service being furnished.

1. For purposes of the Ordinance, the term "having an interest in real estate," shall include "owners," "renters," "purchasers" on land sale contract, i.e. "purchasers" and "mortgagees."
2. Meter deposits shall be held by the Utility in the customer's name(s) until such time as service to the customer is discontinued either by the customer or the Utility. Upon discontinuance of service, the District shall apply all or any part of the customer's deposit to payment of any outstanding sewer charges, including any delinquencies, with the **renter's** or **purchaser's** deposit being first applied to the payment of sewer charges and then the **owner's**. The remaining balance of meter deposit shall be refunded to the depositor. Depositor shall be responsible for providing the Jennings Northwest Regional Utilities with a proper forwarding address. Transfer of a meter deposit may only be made by the depositor properly completing transfer forms provided by the Utility Clerk, and may be made only if the old deposit is equal to the currently required deposit.

3. The Jennings Northwest Regional Utilities shall have the right to request proof of the customer's interest in the property served by the water utility by presentation of a copy of deed, contract, lease, agreement or mortgage, and to request that the meter deposit be made and held in the customer's name(s). In the event that the depositor dies or moves from the subject property, the District shall have the right to request either a transfer of deposit or a new meter deposit from any customer who remains thereon.

B. All connections/taps to the Utility's sewer mains for sewer service shall be made pursuant to the District's requirements and specifications and shall be made by and under the direct supervision of the Utility Manager or other designated personnel.

C. Connections/taps of service lines to the sewer utility's collection mains shall be at the customer's expense which shall be equal to the appropriate connection/tap fee or the actual cost of making the connection/tap, whichever amount is greater. Connection/tap fees shall be paid in full prior to sewer service being provided. In addition, the owner of the affected real estate shall grant to the District an easement in proper form for said sewer service.

D. When a connection/tap is to be made pursuant to new construction or remodeling, a copy of the improvement permit or builder's permit, issued by the Jennings County Building Inspector, County Planning Commission or other body charged with such responsibility, shall be furnished to the utility prior to the connection/tap being made.

E. Service line pipes which connect the customer's premises to the Utility's sewer collection main shall not serve more than one customer and shall not cross the customer's property boundary lines. Each lot or parcel of real estate shall be served separately by one (1) service line from the Utility's collection main.

F. The utility shall have the responsibility for maintaining all collection mains, valves, manholes, equipment and appurtenances thereto from the wastewater treatment plant to the customer's property boundary line; the customer shall have the responsibility for maintaining all service lines and appurtenances from the utility's collection main to the building being served.

G. Any damage to the utility's sewer mains, manholes, valves, meters and appurtenances thereto, or any equipment, which damage is caused by a property owner or persons functioning on the owner's behalf, shall be borne by the owner.

H. Sewer main extensions to residential areas, industries, commercial businesses or other development areas not previously served by the utility, shall be made at the expense of the owner, builder or developer and shall be made pursuant to the requirements and specifications of the District and under the direct supervision of the Utility Manager or other designated personnel. The size of the collection main, the material from which the main is made, the type of clean-outs and backflow valves shall be approved by the District's Utility Manager prior to installation. Once installed to the satisfaction of the Utility, the collection mains, valves, pits, manholes and any necessary easements shall become the property of the District and subject to its maintenance, upkeep, repair and control.

I. Whenever practical, the building sewer shall be brought into a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the utility's wastewater sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the utility's

sewer.

J. The connection of a building sewer service line into the Utility's wastewater collection main shall conform to the requirements of state and local building and plumbing codes, and other applicable requirements and specifications of the District. The connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the District's Utility Manager before installation.

K. Covering up, paving over, enclosing or in any way interfering with, removing or damaging manhole covers, sewer collection lines, mains, valves, appurtenances is strictly prohibited. In the event of a violation of this provision, the Utility Manager, Clerk and Treasurer for the District are authorized to collect the costs of necessary corrective action by legal action in the Jennings County courts.

### **SECTION 3. BILLING FOR SERVICES.**

A. Customers will be billed for services on a monthly basis. Water meters will be read by utility personnel on or about the **seventeenth (17<sup>th</sup>)** day of each month and the prior month's usage of water shall be the basis for the sewer bill. Bills for sewer service will be mailed to customers on or about the **first (1<sup>st</sup>)** day of the month following reading of the water meter. Payment for said sewer service is due and payable on or before the **seventeenth (17<sup>th</sup>)** day of the month of issuance of the bill.

B. Any utility charges remaining unpaid after the **seventeenth (17<sup>th</sup>)** day of

the month of issuance of the bill shall be considered **DELINQUENT** and shall be assessed delinquency charges equal to an additional ten percent (10%) of the unpaid sewer charges. In addition if said sewer charges remain unpaid for thirty (30) days the utility has the authority to disconnect the customer's water service. All sewer charges, including past due and the current monthly charges and delinquent charges shall be paid prior to water service being reconnected.

C. In the event of a water leak in the customer's water lines which water does not enter the Utility's sewer system, the sewer charge will be adjusted to the average of the prior twelve (12) months' bills.

D. In the case of rental property or property being sold on land sale contract, both the **renter/purchaser** and the property **owner/seller** shall be responsible for any unpaid sewer utility bills. Said unpaid bills and any delinquency charges shall be paid prior to service being restored.

E. In the event of a leak in the customer's water service line, which does not enter the Utility's sewer system, the Utility may adjust the sewer charges for one (1) month's billing based on the average of the immediately preceding twelve (12) months water usage.

F. All payments received for water and/or sewer services shall be apportioned on a pro rata basis between the customer's water and sewer bills.

G. The District's Utility Manager, Treasurer and Clerk are authorized to proceed to collect any past due sewer utility bills, including delinquencies, through legal process, including filing suit in the Jennings County courts.

#### **SECTION 4. DISCONTINUANCE OF SERVICE.**

A. The District shall have the right to discontinue sewer service to a customer for the following reasons:

1. Interfering with, removing or destroying any sewer equipment, appurtenances or appliances belonging to the Utility.
2. Failure to timely pay charges and bills for service within five (5) days of their due date, i.e. by the 22<sup>nd</sup> day of each month.

B. Any sewer charges, delinquencies remaining unpaid for at last thirty (30) days will result in the Utility discontinuing its water service to the customer. Notice of disconnection of water service must be mailed at least ten (10) days prior to the disconnection date.

C. Service to the customer shall not be restored until payment of all outstanding charges, including the current month's bill and any delinquency charges thereon. In addition, any outstanding bills and delinquencies due the District's water utility and the necessary reconnection fee must be paid prior to water service being reconnected.

#### **SECTION 4. USE OF PUBLIC SEWERS.**

A. No person shall discharge or cause to be discharged to any utility collection main any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water. Property owners shall be required to disconnect downspouts, gutter tie-ins, sump pumps, foundation drains and storm drainage lines from the utility's sanitary sewer system.

B. No person shall discharge or cause to be discharged an unusual volume of

flow or concentration of wastes if it appears likely in the opinion of the Utility Manager, that such wastes can harm either the sewers, the sewage treatment process or equipment, have an adverse effect on the receiving stream, can endanger life, limb, public property, constitute a nuisance or violate state or federal law, rules or regulations. The District may require violators of this provision to disconnect from the utility's sanitary system.

C. **Restricted Discharges.** No person shall discharge or cause to be discharged to any of the District's wastewater facilities any substances, materials, waters or wastes in quantities or concentrations that will:

1. Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
2. Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, and in no case will discharge be allowed with a pH lower than 5.0. These requirements may be modified for facilities designed to accommodate greater ranges;
  - i. having a pH lower than 5.0 or greater than 10.0 for more than five percent (5%) of the time in a twenty-four (24) hour period;
  - ii. having a pH lower than 3.5 or greater than 12.0 for a period exceeding fifteen (15) minutes.
3. Cause obstruction to the flow in sewers, or other interference with the operation of wastewater facilities due to accumulation of solid viscous materials, including, but not limited to: wood, glass, ashes, sand, cinders, grease, unshredded garbage, paper products such as cups, dishes, napkins and milk containers, etc., either whole or ground by garbage grinders;
4. Constitute a raw discharge or substantial deviation from normal rates of discharge ("slug discharge") sufficient to cause interference in the operation and performance of the wastewater facilities;



5. Contain heat in amounts that will accelerate the biodegradation of wastes, causing excessive amounts of hydrogen sulfide to form in the wastewater sewer, or inhibit biological activity in the wastewater treatment facilities, and in no case shall the discharge of heat cause the temperature in the District's wastewater sewer to exceed fifty-eight degrees Celsius (58°C)/(150°F) or the temperature of the influent to the treatment facilities to exceed forty degrees Celsius (40°C)/(104°F) unless the facilities can accommodate such heat;
6. Contain more than one hundred (100) milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;
7. Contain floatable oils, fat or grease;
8. Contain toxic, malodorous gas or substance in quantities that create a public nuisance or a hazard to life;
9. Contain radioactive wastes in harmful quantities as defined by applicable state and federal guidelines;
10. Contain any garbage that has not been properly shredded;
11. Contain any odor or color-producing substances exceeding concentration limits that may be established by the District's Utility Manager or the District's NPDES permit.

D. **Cost of Damage.** If the drainage or discharge from any establishment causes a deposit, obstruction or damage to any of the utility's wastewater facilities, the District's Utility Manager shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor and supervision, shall be borne by the person causing such deposit, obstruction or damage. The Utility Manager is authorized to pursue legal action through the Jennings County courts to recover such costs.

E. Stormwater shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the District's Utility Manager and other regulatory agencies. Unpolluted industrial cooling or process waters may be discharged to a storm sewer or natural outlets, upon approval of the Utility Manager and other regulatory agencies.

F. When required by the District's Utility Manager, the owner of any property discharging industrial wastes, and the owner of any property containing multiple family dwellings, shall be required to install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District's Utility Manager. The manhole shall be maintained by the owner so as to be safe and accessible at all times.

#### **SECTION 5. POWERS AND AUTHORITY OF DISTRICT.**

A. The District's Utility Manager and other duly authorized employees of the Utility bearing proper credentials and identification, shall be permitted to enter all private property through which the District holds an easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on property subject to said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

B. The District's Utility Manager and other designated personnel, shall have authority to inquire into any industrial, manufacturing or commercial process including metallurgical, chemical, oil refining, ceramic, paper or other industries, to determine the effect, concentration and content of the final source of discharge to the sewers for waste treatment or waterways for drainage.

C. While performing the necessary work on private properties referred to above, the Utility Manager or other designated personnel shall observe all safety rules applicable to the premises as established by the owner, and the owner shall be held harmless for injury or death to the District's employees or other designated personnel and the District shall indemnify the owner against loss or damage to its property by its 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.

D. **Notice of Violation.** Any person found in violation of this ordinance or any requirement of a permit issued hereunder, shall be served with a written notice stating the nature of the violation and providing a reasonable time for compliance. Any such notice shall be given in writing and served in person or by certified mail. The notice shall be sent to the last address of the violator known to the District. When the address is unknown, service may be made on the owner of record of the property involved. If satisfactory corrective action is not taken within the time allotted by the notice, enforcement action shall be implemented.

E. **Violations.** Any person who violates the provisions of this ordinance may be fined not more than Two Thousand Five Hundred Dollars (\$2,500) for each day the violation continues, and/or may be subject to disconnection from the utility's wastewater facilities.

F. The District shall have the authority to take all necessary legal action to enforce said ordinance, including pursuing legal remedies in the Jennings County courts.

SO ORDAINED this 17<sup>th</sup> day of March, 2003.

JENNINGS NORTHWEST REGIONAL  
UTILITIES, Board of Trustees

Mary Kay  
William P. Collins  
Thomas H. Long  
David R. Bunker  
Ed Whitaker  
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ATTEST:

Mary Kay