

ORDINANCE NO. 57

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS: THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS OF SECTIONS THEREOF: IN THE TOWN OF VERNON, INDIANA.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON, JENNINGS COUNTY, INDIANA:

SECTION I ... DEFINITIONS

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

A. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

B. "Superintendent" shall mean the Superintendent of the Municipal Sewage Works of the Town of Vernon, Indiana, or his authorized deputy, agent or representative.

C. "Inspector" shall mean any person or persons duly authorized by the Town to inspect and approve the installation of building sewers and their connection to the public sewer system.

D. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

E. "Sewer" shall mean a pipe or conduit for carrying sewage.

F. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

G. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

H. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

I. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

J. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

K. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

L. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch in any dimension.

M. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

N. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

O. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight.

P. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Q. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

R. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

S. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

T. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

U. "Shall" is mandatory; "May" is permissive.

SECTION II ... USE OF PUBLIC SEWERS REQUIRED

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within Vernon, Indiana, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

B. It shall be unlawful to discharge to any natural outlet within said town, or in any area under the jurisdiction of said town, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Town and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within Thirty (30) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

SECTION III ... PUBLIC SEWAGE DISPOSAL

A. Where a public sanitary or ~~combined sewer~~ is not available under the provisions of Section II D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

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

C. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section II D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, and filled with suitable material.

D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.

SECTION IV ... BUILDING SEWERS AND CONNECTIONS

A No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Town. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Town of Vernon and deposited with the Clerk-Treasurer a corporate surety in the sum of One Thousand Dollars (\$1,000.00) conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances of the Town of Vernon, pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Town of Vernon and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration.

B There shall be two (2) classes of building sewer permits: (1) for residential service, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of Twenty-five Dollars (\$25.00) for a residential or commercial building sewer permit and Fifty Dollars (\$50.00) for an industrial building sewer permit shall be paid to the Clerk-Treasurer of the Town of Vernon, at the time the application is filed.

C All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation.

D. 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 through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the superintendent.

E. Old building sewer or portions thereof, may be used in connection with new buildings only when they are found on examination and test by the said Inspector to meet all requirements of this ordinance.

F. The building sewer shall be constructed ^{try to dissuade use} of either Vitrified Clay Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Clay Sewer Pipe, Asbestos Cement meeting the current A.S.T.M. Specifications, Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings or Concrete Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Concrete Sewer Pipe. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or asbestos cement or concrete pipe, may be accepted if laid on a suitable improved bed or cradle as approved by said Inspector.

G. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the current A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). Asbestos cement or concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

H. The size and slope of the building sewers shall be subject to the approval of said Inspector, but in no event shall the diameter be less than six (6) inches. The slope of such six (6) inch pipe shall not be less than one-eighth (1/8) inch per foot.

I. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. specifications except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.

J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

K. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer, shall be made only as directed by the said Inspector.

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

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

SECTION V ... USE OF THE PUBLIC SEWERS

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

B. No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

C. Grease, oil and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Indiana State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

E. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

SECTION VI ... PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION VII ... POWERS AND AUTHORITY OF INSPECTORS

The superintendent, inspector, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

SECTION VIII ... PENALTIES

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

B. Any person who shall continue any violation beyond the time limit provided for in Section VIII-A, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

SECTION IX ... CONDITIONS OF SERVICE

A. The Town shall install and maintain at its expense that portion of the service from the main to the lot or easement line, and the customer shall install and maintain at his expense that portion of the service from the lot or easement line to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the Town, but in no event shall the diameter be less than six (6) inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

B. Applications may be cancelled and/or sewer service discontinued by the Town for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.
2. Nonpayment of bills.
3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

C. Bills and notices relating to the conduct of the business of the Town will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Town; and the Town shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in the notice.

D. 1. Bills for sewer service are due and payable at the business office of the Town, or to any designated agent, on their date of issue. The past due date shall be the 11th day of the month after the period of service. Bills will be dated and mailed each month.

2. All bills not paid on or before the past due date shall be termed delinquent, and the Town shall serve on the customer a written final notice of the delinquency. If a delinquent bill is not paid within thirty (30) days after date due, the water and/or sewer service to the user will be subject to discontinuance, or other measures as state law will allow.

E. Where the water or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Town reserves the right to request a nominal sum be placed on deposit with the Town for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the Town have been paid.

F. The Town shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

G. The Town shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

H. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Town.

I. Special terms and conditions may be made where sewer service is used by the Town or community for public purposes such as public parks, etc.

J. These rules may be changed or amended.

SECTION X ... VALIDITY


All ordinances or parts of ordinance in conflict herewith are hereby repealed.

SECTION XI ... ORDINANCE IN FORCE

This ordinance to be in full force and effect from and after its passage, approval, and publication according to the law of the State of Indiana.

Passed by the Town Council of the Town of Vernon, Indiana, on the 23 day of September, 1971, and approved by me this 23 day of September, 1971.

ATTEST:


Alynn Steele
Clerk-Treasurer

Robert Rowley
Mayor
of the Town of Vernon

of Vernon, Indiana

Town Council:

James F. Boggs
James Detrag
Robert P. Ellis