

TITLE V: PUBLIC WORKS

Chapter

50. SEWER SYSTEM

51. SEWAGE DISPOSAL; RATES

NOBLESVILLE - PUBLIC WORKS

CHAPTER 50: SEWER SYSTEM

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50.01- DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

"B.O.D." (Biochemical oxygen demand) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

"BUILDING DRAIN." That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

"BUILDING-SEWER." The extension from the building drain to the public sewer or other place of disposal, also called house connection.

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

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

"FLOATABLE OIL." Oil, fat or grease in a physical state such that it will separate by gravity from wastewater in the sewers or by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

"INDUSTRIAL WASTES." The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

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

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"pH." The logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogenions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogenion concentration of 10^{-7} .

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooling 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 $\frac{1}{8}$ inch (1.27 centimeters) in any dimension.

"PUBLIC SEWER." A common sewer controlled by a governmental agency or public utility.

"SANITARY SEWER." 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.

"SEWAGE." The spent water of a community. The preferred term is "wastewater," as defined below.

"SEWER." A pipe or conduit that carries wastewater or drainage water.

"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 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

"STORM DRAIN." (Sometimes termed "storm sewer".) A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

"SUPERINTENDENT." The utility director of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the city, or its authorized deputy, agent or representative.

"SUSPENDED SOLIDS." Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

"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 provided.

"WASTEWATER." The spent water of a community. 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 groundwater, surface water and stormwater that may be present.

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"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

"WASTEWATER TREATMENT WORKS." An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 1005, passed 8-2-73; Am. Ord. 64B-8-89, passed 8-28-89; Am. Ord. 59-12-95, passed 12-11-95)

50.02 DISCHARGE TO NATURAL, PRIVATE OUTLET PROHIBITED; EXCEPTION.

(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 the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, 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 chapter, within 90 days after the date of written notice to do so, provided that the public sewer is within 300 feet of the property line. The property owner shall be responsible for any and all maintenance of the lateral from the point of connection to the sewer main. (Ord. 1005, passed 8-2-73; Am. Ord. 64B-8-89, passed 8-28-89; Am. Ord. 59-12-95, passed 12-11-95)

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50.03 PRIVATE WASTEWATER DISPOSAL.

- (A) Where a public sanitary or combined sewer is not available under the provisions of § 50.02D the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- (B) Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit from the Hamilton County Health Department.
- (C) The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environmental Management of the State of Indiana.
- (D) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this chapter.
- (E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WCF Manual of Practice No. 9 shall apply.
- (F) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (G) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.
- (H) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city 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. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- (I) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

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(j) All excavations for building sewer installation shall be adequately guarded with barricades and lights 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 city. (Ord. 1005, passed 8-2-73; Am. Ord. 64B-8-89, passed 8-28-89; Am. Ord. 59-12-95, passed 12-11-95)

50.04 PROHIBITED SUBSTANCES.

(A) (1) No person shall discharge or cause to be discharged through direct or indirect connection to any sanitary sewer any storm water, ground water, rain water, street drainage, sub-surface drainage, or roof runoff.

(2) (a) No person shall discharge or cause to be discharged through direct or indirect connection to any sanitary sewer any unpolluted waters, including but not limited to, cooling water, process water, or blowdown from cooling waters or evaporative coolers unless authorization is issued by the superintendent.

(b) If authorization is granted for the discharge of such water into a sanitary sewer, the user shall pay the applicable user charges and fees, and shall meet such conditions required by the superintendent.

(B) (1) The installation of new combined sewers is prohibited. For any new building or building site modifications, the inflow-clean water connection to a combined sewer shall be made separate and distinct from the sanitary waste connection to facilitate disconnection of the former if a separate storm sewer or separate sanitary sewer subsequently becomes available.

(2) Stormwater other than that exempted under division (A) of this section, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

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

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

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

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(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works;

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

(D) The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or waste waters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

(1) Wastewater having a temperature higher than 150' F. (65 degrees C.).

(2) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

(3) Wastewater containing floatable oils, fat or grease.

(4) Any garbage that has not been properly shredded (see definitions in §§ 50.01) - 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 in kitchens for the purpose of consumption on the premises or when served by caterers.

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

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(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.

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

(8) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

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

(10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(E) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in (D) of this section, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of (K) of this section.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

(F) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive

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amounts as specified in division (D)(3) above or any flammable wastes, 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 a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

(G) 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 by the owner at his expense.

(H) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(I) The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

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(J) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section 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, durations and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

(K) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. (Ord. 1005, passed 8-2-73; Am. Ord. 64B-8-89, passed 8-28-89; Am. Ord. 59-12-95, passed 12-11-95)

50.05 DAMAGING SEWER WORKS EQUIPMENT PROHIBITED.

No 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 wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1005, passed 8-2-73; Am. Ord. 64B-8-89, passed 8-28-89; Am. Ord. 59-12-95, passed 12-11-95; Am. Ord. 59-12-95, passed 12-11-95)

50.06 CITY INSPECTION OF PROPERTIES.

(A) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

(B) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against a loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 50.05(H).

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(D) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspectional 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. (Ord. 1005, passed 8-2-73; Am. Ord. 64B-8-89, passed 8-28-89; Am. Ord. 59-12-95, passed 12-11-95)

50.99 PENALTY.

(A) Any person found to be violating any provision of this chapter except § 50.05 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, and the offender shall, within the period of time stated in such notice, permanently cease all violations, provided that with respect to violations of § 50.02 (D) the notice shall be by certified mail and shall allow at least 90 days for the connection required by that section.

(B) Any person who shall continue any violation beyond the time limit provided for in (A) above shall be guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding \$100 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 chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. 1005, passed 8-2-73)

CHAPTER 51: SEWAGE DISPOSAL; RATES

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51.01 DEFINITIONS.

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

"BOARD." The Board of Works of the city, or any duly-authorized officials acting in its behalf.

"B.O.D. (biochemical oxygen demand)." Shall have the same meaning as defined in the sewer use ordinance.

"CITY." The City of Noblesville, Indiana, acting by and through the Common Council.

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

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

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

"NORMAL DOMESTIC SEWAGE."

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

- (a) B.O.D. not more than 300 mg/l.
- (b) S.S. not more than 350 mg/l.

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

"NPDES (National Pollutant Discharge Elimination System) PERMIT."

Shall have the same meaning as defined in the sewer use ordinance.

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

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

"PERSON." Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

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

"S.S. (suspended solids)." Shall have the same meaning as defined in the sewer use ordinance.

"SEWAGE." Shall have the same meaning as defined in the sewer use ordinance.

"SEWER USE ORDINANCE." A separate and companion enactment to § S 51.01 through 51.11, which regulates the connection to and use of public and private sewers.

"USER CHARGE." A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works pursuant to Section 204(b) of PL 92-500.

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

(1) "RESIDENTIAL USER." A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, and the like.

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

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

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

(5) "INDUSTRIAL USER." Any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.
(Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed B-28-89)

51.02 ESTABLISHMENT OF USER CLASSES.

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

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

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

- (1) Residential.
- (2) Commercial.
- (3) Governmental.
- (4) Institutional.

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(5) Industrial.

(Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed 8-28-89)

51.03 RATE SCHEDULE.

For the use and the services rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the city sewage system, or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sewage system of the city. The rates and charges include user charges, debt service costs, excessive strength surcharges, and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(A) For the period from January 1, 1992 through and including May 31, 1992:

(1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for the sewage service, the water meters shall be read monthly or based on the average monthly usage ~~for the preceding seven months~~ ending in May based on actual to actual readings, and the users shall be billed monthly (or period equaling a month) . All new customers of the Wastewater Utility shall have service commenced at the unmetred single family dwelling rate, as hereafter defined, until sufficient meter readings are available to average their bill and adjust it accordingly. Upon receiving notice that the water meter has become active from either of the two water companies currently serving customers in the city, billing shall commence immediately. The water usage schedule on which the amount of the rates and charges shall initially be determined is as follows for all users:

(a) Treatment rate per 1,000 gallons of usage per month:

User Debt		
Charge	Service	Total
\$1.25	\$1.42	\$2.67

(b) Plus monthly base rate as follows:

Base Rate	User Charge
5/8 to 3/4 inch water meter	\$ 8.65
1 inch water meter	19.30
1 1/4 inch water meter	30.00
1 1/2 inch water meter	42.80
2 inch water meter	72.65
3 inch water meter	165.10
4 inch water meter	286.00
6 inch water meter	648.70

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(2) For users of the sewage works that are unmetered users, or for which accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule upon which the monthly rates and charges shall be determined is as follows:

(a) Residential:	User Debt Charge	Service	Total
Single family unit	\$14.80	\$10.95	\$25.75

(b) Unmetered non- "residential single-family dwelling units" shall be charged a rate to be determined by the city on an individual basis by applying the above metered rates to estimated usage and meter size.

(3) For the service rendered to the city, the city shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the city shall charge the user the actual cost of monitoring, but no less than \$25 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(B) For the period from June 1, 1992 through and including December 31, 1992.

(1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for the sewage service, the water meters shall be read monthly (or based on the average monthly usage for the preceding seven months ending in May based on actual to actual readings and averaged), and the users shall be billed monthly (or period equaling a month). All new customers of the wastewater utility shall have service commenced at the unmetered single family dwelling rate, as hereafter defined, until sufficient meter readings are available to average their bill and adjust it accordingly. Upon receiving notice that the water meter has become active from with of the two water companies currently serving customers in the city, billing shall commence immediately. The water usage schedule on which the amount of the rates and charges shall initially be determined is as follows for all users:

(a) Treatment rate per 1,000 gallons of usage per month:

User Charge	Debt Service	Total
\$1.48	\$1.42	\$2.90

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(b) Plus monthly base rate as follows:

Base Rate	User Charge
5/8 to 3/4 inch water meter	\$9.40
1 inch water meter	21.00
1 1/4 inch water meter	32.60
1 1/2 inch water meter	46.50
2 inch water meter	78.95
3 inch water meter	179.40
4 inch water meter	310.80
6 inch water meter	704.90

(2) For users of the sewage works that are unmetered users, or for which accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule upon which the monthly rates and charges shall be determined is as follows:

(a) Residential:	User Charge	Debt Service	Total
Single family unit	\$17.05	\$10.95	\$28.00

(b) Unmetered non- "residential single-family dwelling units" shall be charged a rate to be determined by the city on an individual basis by applying the above metered rates to estimated usage and meter size.

(C) For the period from January 1, 1993, and thereafter.

(1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. For the purposes of billing and collecting the charges for the sewage service, the water meters shall be read monthly or based on the average monthly usage for the preceding seven months ending in May based on actual to actual readings and averaged, and the users shall be billed monthly (or period equaling a month) . All new customers of the wastewater utility shall have service commenced at the unmetered single family dwelling rate, as hereafter defined, until sufficient meter readings are available to average their bill and adjust it accordingly. Upon receiving notice that the water meter has become active from either of the two water companies currently serving customers in the city, billing shall commence immediately. The water usage schedule on which the amount of said rates and charges shall initially be determined is as follows for all users:

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(a) Treatment rate per 1,000 gallons of usage per month:

User Charge	Debt Service	Total
\$1.76	\$1.42	\$3.18

(b) Plus monthly base rate as follows:

Base Rate	Charge
5/8 to 3/4 inch water meter	\$ 10.30
1 inch water meter	22.95
1-1/4 inch water meter	35.65
1-1/2 inch water meter	50.90
2 inch water meter	86.40
3 inch water meter	196.30
4 inch water meter	340.05
6 inch water meter	771.30

(2) For users of the sewage works that are unmetered users or accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month) . The schedule upon which said rates and charges shall be determined is as follows:

(a) Residential:	User Charge	Debt Service	Total
	\$19.70	\$10.95	\$30.65

(b) Unmetered non- "residential single-family dwelling units" shall be charged a rate to be determined by the city on an individual basis by applying the above metered rates to estimated usage and meter size.

(3) For the service rendered to the city, the city shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the city shall charge the user the actual cost of monitoring, but no less than \$25 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(D) The following additional rates will be charged:

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	Effective 1/1/92	Effective 6/1/92	Effective 1/1/93
1 person living in a customer unit	14.00	15.25	16.70
2 persons living in a residential dwelling unit	20.00	21.75	23.80
3 or more customers (same as currently established for unmetered customers)			

(Ord. 1589, passed - - - ; Am. Ord. 64A-8-89, passed B-28-89; Am. Ord. 43-12-91, passed 12-30-91; Am. Ord. 4-17-92, passed 5-26-92)

4 51.04 ALLOWANCES AND METER REOUIREMENTS.

The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the city shall be determined by the city in such manner as the city shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the city may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the city that such quantities do not enter the sewage system.

(A) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the city's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the city, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rate or charge provided in this chapter, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for the determining of sewage discharge.

(B) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the city's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the city, and in addition, is a user of water from another resource which is not measured by a water meter or is measured by a meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rates or charges, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

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

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

(E) Where a metered water supply is used for fire Protection as well as for other uses not entering the sewer system, the city may, in its discretion, make adjustments in the user charge as may be equitable.

(Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed 8-28-89)

51.05 BASIS OF CHARGES.

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

(B) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 300 milligrams per liter of fluid or suspended solids in excess of 350 milligrams per liter of fluid or phosphorous in excess of 15 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate surcharge based upon suspended solids. There shall be an additional charge of \$.06 per pound of suspended solids for suspended solids received in excess of 350 milligrams per liter of fluid.

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(2) Rate surcharge based upon B. O. D. There shall be an additional charge of \$.07 per pound of biochemical oxygen demand for B.O.D. received in excess of 300 milligrams per liter of fluid.

(3) Rate surcharge based upon phosphorous. There shall be an additional charge of \$.51 per pound of phosphorous oxygen demand for B.O.D. received in excess of 15 milligrams per liter of fluid.

(C) The determination of suspended solids and five-day biochemical oxygen demand contained in the waste shall be in accordance with the current edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed 8-28-89)

51.6 BILLING PROCEDURES; DELINQUENT CHARGES.

(A) Rates and charges shall be prepared, billed, and collected by the city in the manner provided by law and ordinance.

(B) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged and the basis for the charges for operation, maintenance, and replacement.

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

(D) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent, and a penalty of 10% of the amount of the rates or charges shall thereupon attach thereto. The time at which the rates or charges shall be paid is now fixed at 15 days after the date of mailing of the bill.

(Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed 8-28-89)

51.7 STUDIES OF RATES AND CHARGES.

(A) In order that the rates and charges for sewage services may remain proportional to the cost of providing services to the various users or user classes, and that the charges may remain sufficient to adequately fund the necessary replacement costs and other revenue and reserve requirements, the city shall cause a study to be made annually for the first five years of operation, following the date on which § 51.01 through 51.11 go into effect. The study shall include, but not be limited to, an analysis of the costs associated

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with the treatment of excessive strength effluents from industrial users; volume and delivery flow rate characteristics attributed to the various users or user classes; the financial position of the sewage works and the adequacy of its revenue to provide adequate funds for the operation and maintenance, replacements, debt service requirements, and capital improvements to the waste treatment systems.

(B) Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the city shall cause a study to be made for the purpose of reviewing the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and maintaining proportionality among the user classes of the rates and charges for sewage services.

(C) These studies shall be conducted by officers or employees of the city, or by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the city shall determine to be best under the circumstances.

(Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed 8-28-89)

51.8 ENFORCEMENT OF REGULATIONS.

(A) The city shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the city's sewage system, pumping stations, and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connection to the sewerage system, and for the regulation, collection, rebating, and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

(B)The city is hereby authorized to prohibit dumping of wastes into the city's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the city; or to require methods affecting, pretreatment of wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works. (Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed 8-28-89)

51.09 SPECIAL RATE CONTRACTS.

The Board of Works is hereby authorized to enter into special rate contracts with users of the sewage works where clearly definable costs to the sewage works can be determined, and the special rates shall be based on those costs.

(Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed 8-28-89)

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51.10 INITIAL CONNECTION CHARGE.

In order to accumulate funds for the future expansion of the wastewater treatment facilities, each property owner at the time of initial connection shall pay a charge equal to \$2160 per equivalent single-family dwelling unit. For multi-dwelling units and nonresidential users, the equivalence to a single-family dwelling unit shall be determined by the city.

(Ord. 1589, passed - - ; Am. Ord. 64A-8-89, passed 8-28-89)

51.11 EFFECTIVE DATE.

The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of §§ 51.01 through 51.11.

(Ord. 1589, passed - - ; Am. Ord. 54A-8-89, passed 8-28-89)

DEVELOPERS AND NEW USERS

51.15 DEFINITIONS.

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

"INTERCEPTOR COSTS." Sewer costs external to a development.

"LOCAL SEWER COSTS." Sewer costs within a development being served.

"OVERSIZING COSTS." As outlined in § 51.16 (D) , will be considered interceptor costs and shall qualify for refunding.

"OWNER OF REAL ESTATE." An individual, firm, company, partnership, cooperation, governmental units, or charitable and other non-profit organization holding legal title to real estate.

(Ord. 1-7-88, passed - - 88)

4 51.16 AVAILABILITY COSTS.

No connection to any city-owned trunk sanitary sewer shall be allowed until a permit is obtained and payment or satisfactory surety for payment as a contribution to aid in construction has been made into the City Interceptor Improvement and Betterment Fund, which is a depository of such contributions and designated funds. These contributions shall be regarded as a benefit as defined by the Board of Public Works and Safety. This is a benefit cost intended to provide funds for sewage collection and improvements projects by the city or owners of real estate and provide owners of real estate such protection as is afforded by the provisions of statutes of the state for sanitary sewerage facilities constructed by said owners of real estate under contract with the city.

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(A) Amount.

(1) These costs, designated as availability costs shall be fixed by the city as hereinafter provided. Such availability costs shall be and are hereby established in the sum of \$350 per dwelling unit or its waste load equivalent as defined herein to be served and shall be from time to time updated and fixed by the city.

(2) Project costs, in all cases, shall expressly include construction costs, legal costs, engineering costs, construction inspection costs, project administrative costs, and easement acquisition costs as shall be administered and defined by the Board of Public Works and Safety for the city. Easements in each case, as may be required by the Board of Public Works and Safety, must be obtained by the owner of the real estate. Projects which shall be funded from the Interceptor Improvement and Betterment Fund shall include new trunk and interceptor sewers, improvements to existing trunk or interceptor sewers and such sewage collection improvements as determined by the Board of Public Works and Safety for the city.

(3) The availability cost of \$350 per dwelling unit or its waste load equivalent may be allocated to and paid into the project cost of the specific interceptor extension (off-site interceptor and on-site oversizing) for which it is paid.

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(4) The applicant-owners of real estate applying for sewerage extensions shall make payments to the City Engineer for such payment in accordance with costs set forth. Payments are due and shall be made in accordance with § 51.18.

(5) Payment of the availability cost may be made in cash or by the dedication to the city of a plant consisting of interceptor sewers, forced mains, lift stations, and other than lateral sewers and service lines acceptable to the city. To the extent that the cost of such dedicated property is less than the required availability cost, the owner or developer shall pay the balance of said cost in cash.

(6) Trunk sewerage extension projects shall be, in accordance with the latest Master Plan, developed and approved by the city, and sewerage extension project designed by registered professional and state licensed engineers retained or approved by said city. Plans and specifications for specific trunk sewerage extensions, and for all local, lateral, and sub-trunk sewers, shall be submitted to, and receive approval from the said city and all applicable regulatory agencies prior to actual start construction (a copy of all such approvals shall be filed with the city within ten days after receipt of approval).

(B) Additional funds contributed. The above availability costs shall be strictly nonrefundable. If by prior agreement, in order to extend the trunk sewerage system, additional funds are necessary to extend the sewer to the owners of real estate, such additional funds, advanced or contributed by said owners of real estate for the extensions and/or oversizing to meet the requirements of the city, are refundable, without interest. However, such refunds may be made only from funds deposited at a future date by owners of real estate benefited under such terms and conditions as the city shall, from time to time, set forth. In no event will any of the city sewerage revenues be used, committed, or encumbered to repay any such funds advanced or contributed, nor will the city's General Fund be used, committed or encumbered to repay any such funds advanced or contributed. It is expressly declared that such repayment, if any, will be made under the provisions of and will be repaid only from funds deposited in the Interceptor Improvement and Betterment Fund on the basis of first in, first out. No provision of this subchapter shall be construed as a guarantee by the city that the owners of real estate advancing funds will be fully reimbursed therefor.

(C) Accounts.

(1) Two separate accounts will be established from the availability costs assessed. In one account will be deposited 10% of the assessed availability costs until the accumulated amount totals \$30,000 for use by the city for emergency and special sewer cases as determined necessary by the Board of Public Works and Safety. When this account is depleted in part or in whole, 10% of subsequent availability costs assessments shall again accumulate to the total of \$30,000.

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(2) The second account will be established from 90% of the availability costs assessed and 100% of the availability costs after the emergency and special sewer cases account has accumulated \$30,000. only this second account shall be used for reimbursement, refunds, or repayment to owners of real estate for extensions and/or oversizing to meet requirements of the city and for which a prior written agreement was negotiated.

(D) Oversizing. Refunding of costs for oversizing to meet city specifications shall be made only for the portion of the oversizing which lies within the real estate owner's development as requested in writing by the Board of Public Works and Safety. In the event the availability cost does not provide sufficient funds to extend and/or oversize the trunk sewer, as needed, no such sewer extension into the development, or oversizing, will be considered by the Board of Public Works and Safety unless the owners of real estate desire to advance and pay the excess costs of the project. In the event oversizing of sewage lift stations and other applicable appurtenance and/or oversizing and extensions of trunk sewers constructed within their development by owners of real estate are necessary to deliver sewage from other areas to the trunk sewer, or from one trunk to another, such oversizing and/or extension costs may be deemed to be part of the trunk sewer costs and not part of the on-site local sewer costs, and as such, would be considered for refund under provisions of division (B) of this section.

(E) Repayment method. Repayment, reimbursement, or refund for oversizing or extension costs must be requested by the real estate owner at the time of application for sewerage extensions and/or signing of final plats. The amount of eligible repayment will be negotiated prior to signing of final plats and/or at the time of filing applications for sewerage extensions. The negotiated amount will be for construction labor and materials only and will be based on city standard costs as updated annually from receipt of not less than two bid quotations.

(F) The requirements of this section shall not be applicable to any rehabilitation, change of use or improvement to an existing building located within the CCBD of Noblesville as the district is hereafter defined, except as specifically limited or restricted herein. (Ord. 1-7-88, passed - -88; Am. Ord. 45-11-92, passed 11-23-92)

4 51.17 INDIVIDUAL CONNECTIONS.

(A) Where an individual connection is sought for acreage or developed areas inside or outside the corporate limits of the city, the following sewer users, listed by type of occupancy, shall pay a connection cost based on an average user factor of one. The average or equivalent user connection cost for a single-family residence is hereby initially fixed and established at \$1,865. The units listed below will presently pay for a connection cost based on the multiplication of the listed decimal times \$1,865. The equivalent user cost of \$1,865 as well as the connection costs listed below may, from time to time, be updated and changed by the city. Funds collected, including inspection costs, shall be deposited into the City Plan Expansion and

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and Improvement Fund. Funds collected shall be used for the expansion and improvements of nonconveyance facilities.

(B) Connection of users not list below or of unique character will be negotiated with the Board of Public Works and Safety. For the purpose of reviewing the unit contribution, the usage of a single-family residence will be considered as 9,300 gallons per month. Users listed above shall also be billed a monthly rate in accordance with current sewer use charges.

(C) Connection charges.

Type of User	Per Unit Equivalent
Single-Family residences and condominiums	\$ 1.00
Multi-family residences	
one bedroom	.64
Two bedrooms	.96
Three or more bedrooms	1.00
Assembly Halls, lodges, veterans organizations	.006 per seat
Barber and beauty shops	.60 per chair
Bars and cocktail lounges	.10 per seat
Bowling alleys	.32 per lane
Churches	.008 per seat
Day care centers	.03 per child and staff member
Drive-in/drive-thru restaurants	.40 per car space
Drive-in theaters	.02 per space
Hospitals	.50 per bed
Institutions other than hospitals	.40 per bed
Laundromats	1.00 per washing machine
Mobile home parks	.75 per space
Motels and Hotels	.32 per room
Nursing homes	.30 per bed
offices	.50 per 1,00 square feet of building area
Restaurants	.10 per seat
Retail space	1.00 per 1,000 square feet of building area
With fountain space add	.10 per seat
Rooming houses	.30 per renter
Schools	.03 per pupil
With cafeteria and showers	.05 per pupil
Service stations	.70 per island
Theaters	.01 per seat

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Type of User	Per Unit Equivalent
Manufacturing facilities	Based on industrial process used, city shall estimate usage in terms of its equivalence to a single-family dwelling unit.
Unique facilities	Negotiated - Board of Public Works & Safety
Change in character or use by addition or remodel	Per above table as applicable
Warehouse	0.02 per 1,000 sq. ft. of building area
Kennel	0.10 per cage
Doctor/Dentist Office	2.00 per 1,000 sq. ft. of building area

* EDU = Equivalent Dwelling Unit
All figures equate to a single family dwelling unit.

(D) The requirements of this section shall not be applicable to any rehabilitation, change of use or improvement to an existing building located within the CCBD of Noblesville as the district is hereafter defined, except as specifically limited or restricted herein.

(Ord. 1-7-88, passed - -88; Am. Ord. 59-7-89, passed 7-25-89; Am. Ord. 45-11-92, passed 11-23-92)

51.18 MANNER OF PAYMENT.

(A) Payment of the availability and connection costs shall be made at the following times and in the following manner:

(1) At signing of record plat, or detail plan approval, or conditional use approval, the sum of \$750 per each equivalent dwelling unit, which shall be allocated 100% as availability costs to the Interceptor Improvement and Betterment Fund. In no event shall a building permit be issued until this fee is paid.

(2) At the issuance of building permit, the sum of \$1,465 shall be paid, which shall be allocated in the following manner:

- (a) \$350 to the Interceptor Improvement and Betterment Fund;
- (b) \$1,100 to the Plant Expansion and Improvement Fund;
- (c) \$15 to the Wastewater Utility Operating Fund to cover inspection expenses.

(B) The availability and connection costs shall be due and payable upon application for a building permit only with respect to existing unimproved lots. An existing unimproved lot is defined for the purposes of this chapter as a lot in a recorded subdivision upon which no improvement exists as of the date of adoption of this chapter.

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The existing unimproved lots located within the city' s jurisdiction are beneficiaries of the capital improvements contemplated by this chapter. (Ord. 1-7-88, passed - -88; Am. Ord. 59-7-89, passed 7-25-89; Am. Ord. 2-1-94, passed 1-24-94; Am. Ord. 60-12-95, passed 12-11-95)

51.19 OFF-SITE TRUNK SEWERAGE.

(A) All plans for trunk sewerage and appurtenances thereto, to be installed outside the area being developed by the applicant (such as off-site sewers) to be constructed by the applicant, shall be designed and prepared by engineers retained or approved by the city. All easements shall be made out to the city, and shall be obtained by and, if necessary, paid for by the owners of real estate, and shall be obtained prior to engineering design of the project. Easements shall be in a form approved by the city.

(B) The owners of real estate applying for trunk sewer service shall deposit, with the city, adequate funds to pay for appurtenant nonconstruction costs prior to the city proceeding with preparation of plans and specifications. If the project does not proceed to completion after project costs are established, moneys so deposited by the owners of real estate shall be nonrefundable and will be used to pay incurred expenses. If funds are in excess of expenses, the excess will be returned to the owners of real estate making the deposit or their successors. If the project progresses to completion, the deposit will be credited to the total project cost. (Ord. 1-7-88, passed - -88)

51.20 OWNERSHIP OF SYSTEM.

(A) All extensions to the city sewerage systems shall be dedicated to and must be accepted by the city before connection, and once connected, shall become and remain thereafter the sole property of the city without further dedication thereof.

(B) The owners of real estate making such dedication shall post at the time of dedication, three years maintenance equal to 10% of the project cost in a form acceptable to the city.

(C) owners of real estate shall agree and furnish affidavit that they have paid in full contractor or contractors, material, men, and laborers in cash the full cost of said extension or extensions. (Ord. 1-7-88, passed - -88)

51.21 ON-SITE SEWERS: INSPECTION COSTS AND APPROVAL.

The owners of real estate obtaining a permit of sewerage extensions shall submit plans for on-site sewers, including trunk sewers to be constructed within the development, to the city for review and approval prior to start of construction. During construction of said on-site sewers, the owners of real estate shall pay the expense of an inspector to assure that the construction of the facilities are in compliance with current standards and specifications established by the city. Upon completion of construction, the owners of real

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estate shall provide certified record construction drawings to the city within 30 days. If certified record construction drawings are not provided, as above required, the city may prepare these at the expense of said owners of real estate. No potential reimbursable expenses of oversizing and/or off-site interceptor construction will be allowed until record drawings are provided and approved. The city will provide the inspector or may approve, in writing, some person designated by the owners of real estate. In any case, the owners of real estate will pay the cost thereof to the city who, in turn, will pay the inspector. (Ord. 1-7-88, passed - -88)

51.22 DEVELOPED AREAS.

(A) Individual connections in developed areas. If individual applicants for sewage service in already-developed acreage and/or platted subdivisions wish to be served requiring construction of a new trunk sewer or local sewers, they shall obtain a permit and deposit adequate funds, with the city, to pay engineering and appurtenant costs prior to authorization of such design by the city and receipt of bids for construction. If the project does not proceed to completion after project costs are established, the money so deposited by individual applicants shall be nonrefundable and will be used to pay incurred expenses. If moneys are in excess of expenses, said excess will be returned to the individual making the deposit. If the project is completed, the deposits of individual applicants shall be credited to said individuals' costs as outlined in division (B) of this section.

(B) Individual connections cost (developed areas). If already developed acreage and/or platted subdivisions are to be served by an interceptor and/or trunk sewer and local sewers, in addition to the connection costs designated in § 51.17, there shall be paid by each owner of real estate to be served an amount which shall be computed as follows:

(1) Availability cost. \$350 per equivalent dwelling unit, which amount is not refundable, plus if applicable, divisions (B)(2) and (3) of this section.

(2) Local sewer costs. Each lot shall pay a prorated share of the project costs computed on the basis of dividing the project cost by the number of sewer connections desirous of service. Project costs shall include construction costs, determined by public bids and nonconstruction costs. Nonconstruction costs shall include but not necessarily be limited to legal costs, preparation of assessment rolls, and project administrative costs.

(3) Reimbursement. Repayment for future connections made to the local sewer may be reimbursed on the basis of the "Fifteen Year Law" (IC 36-9-22-1) and following as may be contracted with the city through its Board of Public Works and Safety.

(Ord. 1-7-88, passed - -88)

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51.23 ALLOCATION OF RECEIPTS.

(A) The availability costs provided in §§ 51.16, 51.18, and 51.22 shall be collected by the City Engineer and deposited to the Interceptor Improvement and Betterment Fund.

(B) The individual connection charges provided in §§ 51.17 and 51.18 shall be collected by the city Engineer and deposited as follows:

- (1) To operating funds for inspection costs: \$25
- (2) To the City Engineer for administrative costs the amount of \$25
- (3) To Plant Expansion and Improvement Fund: Remainder, or

(4) As may be directed by the city through its Board of Public Works and Safety payment may be credited against such obligations as are due.

(C) The local sewer costs provided in § 51.22 (B) (2) shall be collected by the city and deposited in separate project accounts established for each project.

(Ord. 1-7-88, passed - -88)

51.24 ANNEXATION REMONSTRANCE RESTRICTION.

All persons or corporations, their or its survivors, heirs, or assigns who shall connect to any sewer main built pursuant to this subchapter shall agree in writing prior to said connection, to waive their or its rights to remonstrate against annexation by the city.

(Ord. 1-7-88, passed - -88)

51.25 PERMIT REQUIRED FOR CONNECTIONS.

No person shall make a connection to any trunk or local sewer without obtaining a permit and paying the required availability, connection, and local sewer costs.

(Ord. 1-7-88, passed - -88) Penalty, see § 51.99

51.26 AMENDMENTS.

This subchapter and the costs and charges set out in this subchapter may be amended from time to time by the Common Council when conditions exist that indicate to the Common Council that charges herein are not equitable for the customers of the municipal sewage system or for the subdividers, developers, or owners of property connection to such sewage system.

(Ord. 1-7-88, passed - -88)

1996 S-18

51.99

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51.99 PENALTY.

Whoever violates § 51.25 and the individual or owners of real estate making such connection will be subject to a fine of \$100 per day for each day the connection was unlawfully installed, and will be required to remove the connection until the requirements of §§ 51.15 through 51.26 are complied with. Each day such unlawful connection exists may be considered a separate offense.

(Ord. 1-7-88, passed - -88)

1996 S-18