

TOWN OF FOWLERTON

ORDINANCE NO. 5-2004

An ordinance regulating the connection to and 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 of the Town of Fowlerton.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FOWLERTON:

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 or the authorized deputy, agent, or representative.
- (c) "Inspector" shall mean the person duly authorized by the Town through its Town Council to inspect and approve the installation of building sewers, private sewer systems, and/or 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 within the Town and other areas.
- (e) "Sewer" shall mean a pipe and/or conductor for carrying sewage.
- (f) "Public Sewer" shall mean any sewer constructed, installed, maintained, operated and owned by the Town established for that purpose. A county drain installed for the purpose of carrying surface water run-off and sub-soil drainage shall not be considered nor used as a public sewer under this definition.
- (g) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- (h) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (i) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

- (j) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (k) "Garbage" shall mean solid wastes from the domestic and commercial 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 a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (m) "Sanitary building drain" shall mean that part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point three (3) feet outside the building walls where it connects with its respective building sewer.
- (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 five (5) days at 20 degrees C, expressed in milligrams per liter.
- (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 a channel in which a flow of water occurs, either continuously or intermittently.
- (s) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (t) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (u) "Shall" is mandatory; "May" is permissive.

- (v) "Closely built-up areas" shall mean and include any areas situated within the boundary of the Town upon which areas are located either residential or business buildings.
- (w) "Sewage Disposal System" shall mean a system which is designed to receive sewage and transport the sewage to a proper sewage treatment system.
- (x) "Dwelling" means any house or place used [or] intended to be used by human occupants as a place of residence.
- (y) "Foundation drain" means that portion of a building drainage system provided to drain ground water from the outside of the foundation or under basement floor, not including any sewage.
- (z) "Residential sewage disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a one or two family dwelling. Included within but not limited to the scope of this definition are building sewers, septic tanks, and subsurface absorption fields.
- (aa) "Subsurface absorption field" means open-jointed or perforated pipes laid in a system of trenches into which the effluent from the distribution box is discharged for direct absorption into the soil.
- (bb) "Limiting layer" means any layer of soil with a stabilized percolation rate exceeding 60 minutes for the water to fall one inch.
- (cc) "Health Officer" means the health officer of State, County and Town.
- (dd) "Soil Profile Observation" means observations of the physical characteristics of the soil horizons or layers to a depth of at least five (5) feet.

SECTION II

GENERAL REQUIREMENTS - PUBLIC, PRIVATE AND COMMERCIAL SEWER PUBLIC SEWER LINE

- (a) The owner of all houses, building, or properties used for human occupancy, employment, recreation or other purposes, including industrial or commercial business, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at their expense to install toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line whether or not said property is within the corporate limits of the Town of Fowlerton. It shall be the responsibility of the

Town to bring the sewer line to the property line and it shall be the property owner's responsibility to pay for the connection to said sewer line. Failure to connect within ninety (90) days shall be a violation of this ordinance.

- (b) The disposition of existing septic tanks and rain fields shall be that the owner shall empty the septic tank of its contents, fill with granular material and disconnect from the house and discontinue usage of the private system.
- (c) No person shall throw, run, drain, seep, or otherwise dispose into any of the streams or waters of this Town, or cause, permit, or suffer to be thrown, run, drained, allowed to seep or otherwise dispose into such waters, any organic or inorganic matter that shall cause or contribute to a polluted condition of such waters unless a permit for such disposal has been obtained as authorized by IC 13-15 and IC 13-18..
- (d) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Town. To do otherwise is a violation.
- (e) No permit shall be furnished until the application has been completed to the satisfaction of the Town.
- (f) No city, town, county, public institution, firm, corporation, or officer or employee thereof, or other person, shall install or contract for the construction of any sewers, sewage treatment works, or other sewage facilities, designed to collect, convey, treat, or otherwise dispose of any water carried or liquid waste either of domestic or industrial origin, or make any material change in any such existing sewage facilities or sewage treatment or disposal works, until plans and specifications, together with an engineering report supporting in detail the design set forth in such plans, shall have been submitted to and have been approved by the Grant County Board of Health, and the Town, so far as relates to their sanitary features.
- (g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County and State Health Officer.
- (h) The Town shall deny any permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of this regulation cannot be met.

SECTION III

SEWER LINE AND ATTACHMENTS

- (a) A separate and independent building sewer shall be provided for every principal residential and/or commercial building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear considered as one building sewer.
- (b) Existing building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Town, to meet all requirements of this ordinance.
- (c) The building sewer shall be cast iron soil pipe, ASTM Specification (A74) latest edition; clay sewer pipe, ASTM Specification C-700 extra-strength; polyvinyl chloride (PVC), ASTM D-3034 Schedule 40 or SDR 35; or other suitable material approved by the Town in writing prior to use. Joints shall be capable of passing an infiltration test of 200 gallons per inch diameter per mile of sewer per day on a low pressure air test. Any part of the building sewer that is located within ten (10) feet of a well or water service pipe shall be constructed of ductile iron pipe or PVC Schedule SDR-26 with rubber ring joints. If the building sewer is installed in filled or unstable ground, the building sewer shall be suitably supported and approved by the Inspector.
- (d) The size and slope of the building sewer shall be subject to the approval of the Town, but in no event shall the diameter be less than four (4) inches. The slope of such four (4)-inch pipe shall be not less than one-quarter ($1/4$) inch per foot. Refer to A.S.T.M. and W.P.C.F. Manual of Practice. Additionally, there shall be clean-outs on the service laterals at maximum intervals of one-hundred (100) feet.
- (e) 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 equipment, facility or pollution control devise they deemed necessary for the further development of the state of the art of pollution control.
- (f) The Town shall deny any permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of this regulation cannot be met.

SECTION IV

PRIVATE SEWER LINE

- (a) Before commencement of construction or modification of a private sewage line the owner shall first obtain a written permit signed by the Town. The application for such permit shall be made on a form furnished by the Town which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town. A permit and inspection fee of Twenty-Five Dollars (\$25) shall be paid to the Town at the time the application is filed. The amount of said fee may be amended from time to time by separate ordinance of the Town Council of Fowlerton.
- (b) After receiving an order in writing from the Town, the owner, agent of the owner, the occupant or agent of the occupant of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit included therein. Said order shall be served on the owner or the owner but may be served on any person who, by contact with the owner, has assumed the duty of complying with the provisions of an order.
- (c) The owner shall operate and maintain the private line in a sanitary manner at all times, at no expense to the Town of Fowlerton.
- (d) The application for a permit shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving this building.
- (e) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (f) 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 Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Town or certified representative before installation.
- (g) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Town or County.
- (h) The building sewer shall be located at least 50 feet from any water supply well or pump suction line serving a residence; however, sewers constructed of water

works grade cast iron having mechanical or push type joints or of waterworks grade pressure type plastic with an SDR rating of 26 having gasketed or push-type joints may be located within the 50 foot distance but not closer than 20 feet to dug and bored wells and not closer than 10 feet to drilled and driven wells or underground pump suction lines or requirements of SE-13.

SECTION V

DISCHARGE OF WASTEWATER

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by written permit of the said Town. Industrial cooling water or unpolluted process waters may be discharged, on written approval of the Town, and the Indiana Department of Environmental Management, to a storm sewer or natural outlet.
- (c) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Town that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming this opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

SECTION VI

SUBSTANCES PROHIBITED

The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F/65°C.
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°F) (0°C) and one hundred fifty degrees (150°F) (65°C)
- (c) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- (d) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town for such materials.
- (e) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Town as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal Regulations.
- (g) Materials which exert or cause:
 - 1. Unusual concentrations of inert, suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate.)
 - 2. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions.)
 - 3. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein, Article I, Section I, Item s.
- (h) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, known or unknown, as such.
- (i) Any waters or wastes containing toxic or poisonous substance, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage 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.
- (j) Any waters or wastes having a pH lower than 5.5 or greater than 9, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (k) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation

of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, plastic or paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

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

SECTION VII

AUTHORITY TO REJECT WASTE

If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section VI of this ordinance, and which in the judgment of the Town may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town shall upon written notice:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- (e) If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Town and subject to the requirements of all applicable codes, ordinances, and laws.
- (f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand or other harmful ingredients; all interceptors shall be of a type and capacity approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (g) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by and at the owner's expense.

SECTION VIII

INDUSTRIAL NON-SINGLE FAMILY RESIDENTIAL

- (a) The industrial or non-single family residential dwelling owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town.
- (b) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the Installation of the building sewer.
- (c) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.
- (d) When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible by authorized Town personnel and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed and maintained by the owner so as to be safe and accessible at all times.
- (e) All measurement, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said 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.) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls where pH's are determined from periodic grab samples.
- (f) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment subject to payment therefore, by the industrial concern.

- (g) While performing the necessary work on industrial properties referred to in Section 8 above, the duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the Company and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims 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.

SECTION IX

ACCESSIBILITY

- (a) The Superintendent, Inspector, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. (The Superintendent or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment).
- (b) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works 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.

SECTION X

PERMITS AND INSPECTION

- (a) The Town or its agent shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this regulation.

SECTION XI

PENALTIES FOR VIOLATIONS

- (a) Any violations of this ordinance are subject to the provisions of the penalty ordinance.

SECTION XII

VALIDITY

- (a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (b) The invalidity of any section, clause, sentence or provision of this ordinance shall not effect the validity of any other part of this ordinance.

ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Fowlerton this 12 day of July, 2004.

TOWN COUNCIL OF FOWLERTON, INDIANA

Joe T. Sewell

Philip B. Bunker

Ronnie M. Davis

(SEAL)

ATTEST:

Deborah A. Smith
Clerk-Treasurer