

GENERAL ORDINANCE NO. 3, 2017

General Ordinance No. 3, 2017, is an ordinance that amends Chapter 50 of the Code of Ordinances for the City of Beech Grove, pursuant to sewers and sewer rates for the treatment of wastewater.

WHEREAS, Citizens Energy Group treats the wastewater generated by customers of Beech Grove Sewage Works; and

WHEREAS, The City of Beech Grove is required to contribute to capital improvements made to the Southport Road wastewater treatment plant, which is owned and operated by Citizens Energy Group; and

WHEREAS, Citizens Energy Group has petitioned the Indiana Utility Regulatory Commission (IURC) to increase fees of satellite customers to treat wastewater; and

WHEREAS, the City of Beech Grove Sewage Works must react to this increase by adjusting rates to remain solvent, let alone conduct improvements to the system, purchase maintenance equipment, and pay off State Revolving Fund (SRF) debt.

NOW THEREFORE BE IT AFFIRMED that the Common Council has no choice but to amend Chapter 50 of the Code of Ordinances for the City of Beech Grove.

NOW THEREFORE BE IT FURTHER AFFIRMED that the Common Council desires the following amendments be placed in Chapter 50, the following new sections be inserted into Chapter 50, and identified sections of Chapter 50 listed below be deleted from the Code of Ordinances.

Amend, Add and Delete the following Sections of Chapter 50 as prescribed:

GENERAL PROVISIONS

50.001

Definitions

Amend

50.002	Connection Required; Exceptions; Surcharges.	Delete
50.002	Flow Meters, Maintenance and Calibration	NEW
50.003	Flow Meter Readings and Documentation	NEW
50.004	Outside Vaults Prohibited	Amend
50.005	State Law Applicable	Delete
50.005	Insurance Policy Required	Amend
50.006	Enforcement of Provisions	Delete
50.007	Confidential Information	Delete
50.006	Special Agreements	Amend
50.009	Amendments	Delete
50.010	Stormwater Standards Manual	NO CHANGE

UNLAWFUL DISCHARGES

50.020	Discharging into natural Outlet; Mandatory Connection	Amend
50.021	Unlawful Discharges into Public Sewer	Amend
50.022	Liability for Damages	Amend
50.023	Inspections	Amend

RATES AND CHARGES

50.030	Users to Pay Charges; Determination of Rates; Special Contracts and Exemptions.	Amend
50.031	Imposition of Charges	Delete
50.031	Calculation of Sewer Use Charge	Amend
50.032	Minimum Charge; Base Level Basis of Rates	Amend
50.034	Industrial Cost Recovery Charge	Delete
50.035	Use of Industrial Cost Recovery Payments	Delete
50.036	Billing Estimates of Sewer Use Charge and Industrial Cost Recovery Charge; Reports	Delete
50.033	Appeals to the Board of Sanitation	Amend
50.038	Rate Review of Sewer Use Charge, Industrial Cost Recovery Charge	Delete
50.039	Rates for Multiple Dwellings	Delete
50.034	Users to have Meters	Amend
50.035	Charges to Users without City Meters	Amend
50.036	Calculations for Use In Excess of 1,500 Cubic Feet per Month	Amend
50.043	City Subject Prevailing Rates	Delete
50.037	Billing; Collection	Amend
50.038	Which Users to be Billed	NO CHANGE
50.039	Exceptions for excessive water usage.	Amend
50.040	Uniform Solid Waste Fee Collection	NO CHANGE

PERMITS AND FEES

50.051	Permits and Fees	Amend
50.056	Industrial Permit	Delete
50.052	Revocation of Permits; Notice Thereof	Amend
50.053	Contractor or Plumbing License Fee Required	Amend
50.054	Bond Required	Amend
50.067	Application for Excavating	NO CHANGE
50.068	Subsurface Fill Required	NO CHANGE
50.069	Use of Barricades, Warning Signs	NO CHANGE
50.070	Returning Street to Original Condition	NO CHANGE
50.071	Excavation Permit Fees	NO CHANGE
50.072	Inspection Fees	Delete
50.080	Designation of Sewer	Delete
50.081	Connection to, Extension of Sewer	Delete
50.082	Service Charge	Delete
50.060	Sanitary Building Sewer; Connection Tap, Installation, Replacement or Repair	Amend
50.061	Establishment of Other Non-Recurring Charges Authority to Raise Minimum Charges	Amend
50.062	Delinquent Accounts; Delinquency Penalties;	Amend

NON-STORMWATER DISCHARGES TO THE STORM DRAINAGE SYSTEM
Sections 50.090 through 50.999 NO CHANGE

Chapter 50: SEWERS

Section

General Provisions

- 50.001 Definitions.
- 50.002 Flow Meters, Maintenance and Calibration.
- 50.003 Flow Meter Readings and Documentation.
- 50.004 Outside Vaults Prohibited.
- 50.005 Insurance Policy Required.
- 50.006 Special Agreements.
- 50.010 Stormwater Standards Manual.

Unlawful Discharges

- 50.020 Discharging into Natural Outlet; Mandatory Connection.
- 50.021 Unlawful Discharges into Public Sewer.
- 50.022 Liability for Damages.
- 50.023 Inspections.

Rates and Charges

- 50.030 Users to Pay Charges; Determination of Rates; Special Contracts and Exemption.
- 50.031 Calculation of Sewer Use Charge.
- 50.032 Minimum Charge; Base Level; Basis of Rates.
- 50.033 Appeals to the Board of Sanitation.
- 50.034 Users to Have Meters.
- 50.035 Charges to Users Without City Meters.
- 50.036 Calculations for Use in Excess of 1,500 Cubic Feet Per Month.
- 50.037 Billing; Collection.
- 50.038 Which Users to be Billed.
- 50.039 Exceptions for Excessive Water Usage.
- 50.040 Uniform Solid Waste Fee Collection.

Permits

- 50.051 Permits
- 50.052 Revocation of Permits; Notice Thereof.
- 50.053 Contractor or Plumbing License Required; Fee
- 50.054 Bond Required.
- 50.055 Application for Excavating.
- 50.056 Subsurface Fill Required.

- 50.057 Use of Barricades; Warning Signs.
- 50.058 Returning Street to Original Condition.
- 50.059 Excavation Permit Fees
- 50.060 Sanitary Building Sewer; Connection Tap, Installation, Replacement or Repair.
- 50.061 Establishment of Other Non-recurring Charges, Authority to Raise Minimum Charges.
- 50.062 Delinquent Accounts, Delinquency Penalties.

Non-Stormwater Discharges to the Storm Drainage System

- 50.090 Purpose; Intent.
- 50.091 Definitions.
- 50.092 Applicability.
- 50.093 Responsibility for Administration.
- 50.094 Severability.
- 50.095 Ultimate Responsibility.
- 50.096 Discharge Prohibitions.
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- 50.098 Industrial or Construction Activity Discharges.
- 50.099 Monitoring or Discharges.
- 50.100 Requirement to prevent, control and reduce Stormwater Pollutants by the

use of Best Management Practices.

- 50.101 Notification of Spills.
- 50.102 Enforcement.
- 50.103 Appeal of Notice of Violation.
- 50.104 Enforcement Measures After Appeal.
- 50.105 Cost of Abatement of the Violation.
- 50.106 Injunctive relief.
- 50.107 Compensatory action.
- 50.108 Violations Deemed a Public Nuisance.
- 50.109 Criminal Prosecution.
- 50.110 Remedies Not Exclusive.

Stormwater Utility Policies and Procedures and User Fee

- 50.200 Definitions.
- 50.201 Provisions for Stormwater Management.
- 50.202 Stormwater User Fees.
- 50.203 Billing and Collection of Stormwater User Fees.
- 50.204 Debt and Return on Investment.
- 50.999 Penalty.

General Provisions

§50.001 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 Public Works and Safety and the Board of Sanitation.

“BUILDING DRAIN”. That part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the walls of the building sewer, beginning five feet (one and one-half meters: outside the inner face of the building wall.)

“CITIZENS ENERGY GROUP”. Private company who treats our wastewater generated by customers of Beech Grove Sewage Works.

“CITY SEWER”. A sewer owned and operated or operated and controlled by the city.

“COMBINED SEWER”. A sewer intended to serve as a sanitary sewer and a storm sewer or as an industrial sewer and a storm sewer. A “COMBINED SEWER” may receive surface water and runoff, and sanitary and residential wastewaters from residences, commercial building, industrial plants, and institutions.

“DIRECTOR”. The Director of the Department of Public Works.

“FLOW METER”. Device that registers the amount of flow from a sanitary sewer line.

“GARBAGE”. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

“INDUSTRIAL WASTE”. The liquid waste from industrial manufacturing processes, trade, or business, as distinct from domestic sewage.

“INFILTRATION”. Water other than wastewater that enters a sewage system (including sewer service connections; from the ground through means as defective pipes, pipe joints, connections, or manholes, “INFILTRATION” does not include and is distinguished from “inflow”

“INFILTRATION / INFLOW”. The total quantity of water from both infiltration and inflow without distinguishing the source.

“INFLOW”. The water discharged into a sewer system, including service connections, from such sources as but not limited to roof leaders, cellar, yard and area drains: cooling water discharges; drains from springs and swampy area, manhole covers; cross connections from storm waters combined sewers; catch basins; storm waters; surface runoff; street wash waters; or drainage. “INFLOW” does not include, and is distinguished from “infiltration”.

“INTERCEPTOR SEWER”. A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

“LATERAL LINE”. The extension from the building drains to the public sewer or other place of disposal.

“OPERATION AND MAINTENANCE COST”. Those cost necessary to perform the process of operating and maintaining the service collection system, capital equipment, tools and machines, vehicles and by billing and collections of user charges, replacement management and supervision of the total Sanitation Department.

“PUBLIC SEWER”. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

“REPLACEMENT COST”. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the sewage collection system to maintain the capacity and performance for which the sewage collection systems were designed and constructed. The term operation and maintenance includes replacement.

“RESIDENTIAL USER”. Persons living in a single family dwelling or double family dwelling.

“SANITARY SEWER”. A sewer intended to carry only sanitary or sanitary and industrial wastes from residences, commercial buildings, industrial plants and institutions, and to which storm, surface and ground waters are not intentionally admitted.

“SEWAGE COLLECTION SYSTEM”. Each and all of the common lateral sewers within a treatment system which are primarily installed to receive wastewater directly from facilities which convey wastewater from individual structures or from private property, and which include service connection “Y” fitting designed for facilities which convey wastewater from individual structures or from private property to the public lateral

sewer, or its equivalent, are specifically excluded from pumping units and pressurized lines for individual structures or groups of structures, when those units are cost effective and are owned and maintained by the city.

“SLUG”. 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 15 minutes, more than five times the average 24 hour concentration or flow during normal operation.

“STORM DRAIN” or “STORM SEWER”. A sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

“WASTEWATER”. A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface and stormwaters as may be present.

“WASTEWATER TREATMENT”. Any arrangement of devices and structures used in treating sewage.

§50.002 FLOW METERS, MAINTENANCE AND CALIBRATION.

Citizens Energy Group treats the wastewater generated by customers of Beech Grove Sewage Works. There are nine (9) locations where there is flow meters discharging to interceptors located throughout Beech Grove. It shall be the responsibility of Beech Grove Sewage Works to maintain each flow meter and to calibrate each flow meter as often as required by both the manufacturer and by Citizens Energy Group. It shall also be the responsibility of the Beech Grove Sewage Works to repair or replace any and all flow meters should they fail. The location appropriate of each flow meter is as follows:

25th and Southern
700 - 800 Block of Bethel
Beech Grove Branch of the Marion County Library
13th and Parkway Drive Bridge (north side)
Woods of Beech Grove Subdivision
Don Challis Park
900 Block of South 9th Avenue
Carrington Village
Sarah T. Bolton Park

§50.003 FLOW METER READINGS AND DOCUMENTATION.

As often as required, the Director of the Department of Public Works or his / her representative shall take a reading from each flow meter for documentation purposes. Once a month or as often as required by Citizens Energy Group, readings shall be submitted to Citizens Energy Group for recording and billing purposes. The common practice is for the Director of the Department of Public Works or his/her representative to take the readings and submit them to the Beech Grove Sewage Works Clerk, who in turn records them and submits them to Citizens Energy Group for billing purposes.

§50.004 OUTSIDE VAULTS PROHIBITED.

(A) No general contractor, person or corporation shall build or install in connection with premises whatever within the city limits, any outside toilet or private septic tank where any sanitary sewer system is available for the use of premises within 100 feet of the property line.

(B) No person shall maintain a vault on any lot or property abutting upon any street, alley or otherwise within the city limits where connections with a public sewer and public water main are or have become accessible to the person and the lot or lands owned by them. These sewer connections shall be deemed accessible when a public sewer and water main are reasonably accessible and available for use by the owner of any such lot or land. The owner of any property within the city limits shall make the referred to connections when public sewers are accessible and available.

§50.005 INSURANCE POLICY REQUIRED.

No general contractor, person or corporation shall do any sanitary sewer work within the city limits unless they submit a certificate of insurance document with the City of Beech Grove to cover damages as a result of negligence in the installation or repair of any sanitary sewer excavating installation. The insurance policy shall be in an amount of not less than \$1,000,000.00.

§50.006 SPECIAL AGREEMENTS.

Special agreements and arrangements between the Board of Sanitation and any general contractor may be established when in the opinion of the Director of the Department of Public Works unusual or extraordinary circumstances compel special terms and conditions.

§50.020 DISCHARGING INTO NATURAL OUTLET; MANDATORY CONNECTION.

(A) It shall be unlawful to discharge to any natural outlet or watercourse within the city any waste-water or other polluted waters, except where suitable treatment has been approved in accordance with guidelines established by the Indiana Department of Emergency Management, Marion County Health Department, Citizens Energy Group and the City of Beech Grove.

(B) Except where a valid pollution discharge elimination system permit exists, 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 city sewer, is hereby required at his/her expense to connect those facilities directly with the property city sewer in accordance with the provisions of this chapter, within 2 years after the day of official notice to do so, provided that the city is within 100 feet (30.5 meters) of the private property line.

§50.021 UNLAWFUL DISCHARGES INTO THE PUBLIC SEWER.

(A) It is unlawful to dump waste into the city sewage system which the Board deems harmful to the operation of the sewage works system. The Board may require methods affecting pretreatment of wastes to reduce the characteristics of the waste satisfactory to the Board of Sanitation.

(B) No person shall discharge or cause to be discharged any stormwater surface water, groundwater, roof runoff, or subsurface drainage into any sanitary sewer.

(C) Stormwater and all other unpolluted drainage may be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director of Public Works. Industrial cooling water of unpolluted process waters may be discharged, on approval of the Director of the Department of Public Works, to the city sewer, or a natural outlet.

(D) No owner of any private sanitary sewer shall introduce into such sewer any substance or waste that is in violation of Citizens Energy Group's permit. In the event that a user introduces such prohibited substances or waste, the city has the right to reject that substance or waste from the system, or may apply a surcharge thereon for the treatment thereof, or may require pretreatment consistent with Citizens Energy Group's guidelines.

(E) No person shall discharge or cause to be discharged to any city sewer wastewater or waste which causes, threaten to cause, or are capable of causing either alone or by interaction with other substances:

- (1) Wastes which create a fire or explosion hazard.
- (2) Wastes which will cause corrosive structural damage to the wastewater works, but in no case with a pH lower than 5.0 or higher than 10.0.
- (3) Solid or viscous waste in amounts which would cause obstruction to the flow in city sewers, or other interference with the proper operation of the wastewater works.
- (4) Wastes at a flow rate or pollutant discharge rate which is excessive over relative short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(F) All industrial users who discharge more than the equivalent 25,000 gallons per day of sanitary waste must obtain a permit from Citizens Energy Group.

(G) The City of Beech Grove shall adopt as part of this ordinance, the Citizens Energy Group Sanitary Standards Manual and shall reference any individual standard concerning all customers of the Beech Grove Sewage Works system. The Citizens Energy Group Sanitary Standards Manual is available for public inspection at City Hall upon request.

§50.022 LIABILITY FOR DAMAGES.

(A) If any person discharges or causes to be discharged waste which causes an obstruction, damage, or any other impairment to the public or sanitary sewer of the City of Beech Grove, or of Citizens Energy Group facility, or to a receiving stream, the

Director of Public Works may recommend to the Board of Sanitation that a charge against that person for the work required to clean or repair the receiving stream or wastewater works and add those charges to that person's regular charge.

(B) Persons shall notify the City of Beech Grove and the Department of Public Works immediately upon accidentally discharging wastes in violation of this chapter to enable countermeasures to be taken to minimize damage to the wastewater works.

§50.023 INSPECTIONS.

(A) Right to inspect. Whenever required to carry out the objectives of this chapter relating to user charges and industrial cost recovery, federal or state laws, the Director of the Department of Public Works or his authorized representative, upon reasonable notice and at reasonable times, and upon presentment of his credentials, shall have the right to entry upon, or through any premises for purposes of inspection, measuring, and sampling the discharges. This right of entry shall include, but not be limited to, any equipment necessary to conduct said inspections, measuring and sampling. It shall be the duty of the person to provide all necessary clearance before entry and not to unnecessarily delay or hinder the Director of the Department of Public Works in carrying out the inspection, measuring, and sampling. The right of entry shall exist at any time there are discharges to the wastewater system.

(B) Inspection of connections. Any and all lateral sewer line and sewer drainage connections shall be inspected and approved by the Director of the Department of Public Works or his/her representative prior to the time the Sanitary Sewer System piping is to be covered up by earth and placed in service.

Rates and Charges

§50.030 USERS TO PAY CHARGES; AND DETERMINATION OF RATES, SPECIAL CONTRACTS AND EXEMPTIONS.

(A) For use of and service rendered by the city's sewage works, rates and charges shall be established and collected from the owners of each and every lot, parcel or real estate or building that is connected with and use the sewage system, or that in any way uses or is otherwise served or benefited by the city's sewage system.

(B) The city through the Common Council, shall establish and maintain just and equitable rates and charges for the use of and the service rendered by the city's sewage works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the city) to provide for the proper operation, repair and maintenance of the sewage works system, to purchase equipment, pay salaries and make investments in the utility to comply with and satisfy all covenants contained in any bond ordinance adopted by the city, and to pay all obligations of the sewage works and of the city with respect to the sewage works, including all expenses and fees.

(C) Without limiting the factors allowed or required to be considered when setting fees and charges for the sewage works, and invoking the statutory authority, the provisions of the Indiana Home Rule Act, the fees and charges established pursuant to this section shall include an amount sufficient to compensate the city for: (1) the property taxes that would be paid by the sewage if the sewage works were privately owned; and (2) a reasonable return on the city's investment in the sewage works. The amounts attributable to payment in lieu of taxes and return on investment shall be deposited in the sewage works fund and shall be paid to the city from time to time for deposit in its general fund, by the Clerk Treasurer, who serves as the treasurer of the sewage works utility.

(D) In addition to the ratemaking authority of the Common Council provided herein and by statute, the Board of Sanitation is hereby authorized to enter into special contracts or agreements with users of the city's sewage works where clearly definable costs to the sewage works can be determined, provided such agreements are based on the identified cost. The Board of Sanitation is further authorized to collect the fees and charges set forth herein from users of the city's sewage works who are not otherwise paying the fees or charges assessed, but are receiving the benefit of services from the sewage works, and to grant special exemptions from an fees or charges assessed herein for those who are not receiving the benefit of services from the sewage works.

§50.031 CALCULATION OF SEWER CHARGE.

(A) Citizens Energy Group charges .73 per 1,000 gallons to treat wastewater generated by customers of the Beech Grove Sewage Works. This rate was established in 2011 and agreed upon by both the City of Beech Grove and Citizens Energy Group. Within the past year, Citizens Energy Group has petitioned the Indiana Utility Regulatory Commission (IURC) to adjust our rates up to \$3.0592 per 1,000 gallons to treat our wastewater. The Common Council shall adjust the fees to treat wastewater either by approving the rates listed below, or by approving the rates approved by the IURC. In

any case, the approved rates shall be adjusted to properly provide and maintain the sewage utility.

(B) For the use of the services rendered by the sewage works, rates, and charges shall be collected from the owners and / or residents and tenants of each and every lot, parcel of real estate, dwelling unit or building that is connected to the city's sanitary sewer system or otherwise discharges sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewer system of the City of Beech Grove. Such rates and charges include operation and maintenance. User charges, debt service cost, 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:

(C) For all user classes except residential users the sewage rates and charges shall be based on the quantity of water used on or in the property premises subject to such rates and charges, as the same measured by the water meter there in use, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read in accordance with the operating practice of Citizens Energy Group or other water suppliers, as the case may be. All users shall be billed monthly (or a period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined as follows:

(1) DELETE

Replace with the following:

REVERT TO CURRENT CHARGES

(2) DELETE

Replace with the following:

REVERT TO CURRENT CHARGES

(D) DELETE

Replace with the following:

REVERT TO CURRENT CHARGES

§50.032 MINIMUM CHARGE: BASE LEVEL: BASIS OF RATES.

(A) DELETE

Replace with the following:

REVERT TO CURRENT CHARGES

§50.033 APPEALS TO THE BOARD OF SANITATION.

Appeals for charges are heard by the Board of Sanitation. Appeals may be heard at a scheduled meeting after written verification from Citizens Energy Group that the water usage bill has been adjusted or a credit was made. If the Board of Sanitation determines that the charges are eligible for an adjustment, the Board may make adjustments in the sewage bill in the form of a refund or a credit against subsequent assessments of charges.

§50.034 USERS TO HAVE METERS.

(A) The Director of the Department of Public Works through the Board of Sanitation may require, as is necessary to carry out the requirements of this chapter or other provisions of this code, any industrial customer to construct at his own expense, monitoring facilities to allow inspection, sampling, and flow-measurement of the building drain or sewer; and may also require sampling or metering equipment to be provided, installed and operated at the users expense.

(B) The monitoring facility should normally be situated on the users premises, but the Director of the Department of Public Works may, when such a location would be impractical or cause undue hardship, upon his approval, allow the facility to be constructed in the public right-of-way. However, the Board of Public Works and Safety shall be the authority to determine the locations of public right-of-way in which the monitoring device and facility shall be placed.

(C) The owner of the property abutting the public right-of-way to be used for the installation of the monitoring device shall seek approval from the Board of Public Works and Safety in a right-of-way use form.

§50.035 CHARGES TO USERS WITHOUT CITY METERS.

(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 sanitary sewage system, either directly or indirectly, is not a user of water supplied by Citizens Energy Group, 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, the amount of water used shall be otherwise be measured by the city as more particularly set forth in §50.031 (C) (#1), in order to ascertain the rate of charge provided in this subchapter; or the owner or other interested party, at his expense, may install and maintain a meter acceptable to the city for measuring purposes.

(B) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water or other liquids into the city's sanitary sewage system, either directly applied by the water utility serving the city, and in addition, uses water from another source which is not measured by a water meter or is measured by a meter not acceptable to the city, the amount of water used shall be otherwise measured or determined by the city, as more particularly set forth in §50.031 (C) (#1) in order to ascertain the rate or charge or other interested party, at his expense, may install and maintain a meter or meters acceptable to the city for that purpose.

§50.036 CALCULATIONS FOR USE IN EXCESS OF 1,500 CUBIC FEET PER MONTH.

(A) In event a lot, parcel of real estate, that is not a residential user or building discharging sanitary sewage, water or other liquids into the city's sanitary sewage system, either directly or indirectly, uses water in excess of 1,500 cubic feet per month and it can be shown, to the satisfaction of the city, that a portion of the water measured by the water meter or meters, of as drawn from any other source, does not and cannot enter the sanitary sewer system, then the Board of Sanitation may determine in a manner and by a method it deems practicable, the percentage of metered water entering the sanitary sewage system. The percentage, when so determined shall constitute the basis of sewer service charges.

(B) The Board of Sanitation at its discretion may require or permit the installation of additional meters at the expense of the owner or other interested party in a manner so as to determine the quantity of water actually entering the sewage system, in which case, the quantity of water actually entering the sanitary sewer system as so determined.

§50.037 BILLING; COLLECTION

(A) Rates and charges shall be prepared and billed by the Beech Grove Sewage Works Department, and shall be collected in the manner provided by law and ordinance.

(B) The first billing may be for a period of more or less than one full month in order to make the monthly collection period correspond with the water meter readings made by the city, depending upon the date on which the rates established by this subchapter become effective.

(C) Payments shall be made payable to the City of Beech Grove Sewage Works. Cash payments, checks or money orders may be paid in person, or placed in the drop box located on the building located on the 8th Avenue entrance. Payments can also be mailed or paid on line.

§50.038 WHICH USERS TO BE BILLED. (current section)

§50.039 EXCEPTIONS FOR EXCESSIVE WATER USAGE.

(A) Single and double family residential users pay a flat fee for sanitary sewer services, therefore, no credit shall be given for excessive water usage.

(B) All other users of the Sanitary Sewer Utility who have excessive water use can petition the Board of Sanitation for relief only after the conditions have been met in section §50.035.

(C) Where a metered water supply is used for fire protection as well as for other uses, the Board of Sanitation may, at their discretion, make adjustments in the sewer user charges as may be equitable. In these cases the burden of proof as to the type of water usage shall be upon the user.

(D) Where a metered water supply is used for fire protection only, the sewer user charge shall not apply.

§50.040 UNIFORM SOLID WASTE FEE COLLECTION (current section)

Permits and Fees

§50.051 PERMITS AND FEES.

(A) A permit shall be secured from the Clerk Treasurer's office by the owner of the property, or general contractor by his or her authorized agent before exposure, repairing and connecting any lateral line to a city sewer.

(B) An application for the permit shall be made on a form prescribed by the Clerk Treasurer and may require the following information:

- (1) Name and address of the owner and agent making application.
- (2) Name, address and telephone number of the person to do the work.
- (3) Plans for the building, sewer and connections.
- (4) Estimated date of start of work and completion.
- (5) Any other information as may be deemed necessary by the Director of Public Works to carry out the provisions of this chapter.
- (6) License information, insurance information and proof of bond.

(C) All construction associated with the building drain, lateral line, building sewer, and the city sewer connection shall be in accordance with the rules and regulations of the “Administrative Building Code of the State of Indiana” and applicable building codes of the city, except that a cleanout structure shall be installed, if not already placed near the building or structure and so constructed as to allow the building sewer between the property line and the city sewer to be cleaned.

(D) It shall be the duty of any holder of a permit to notify the Director of Public Works prior to backfilling the excavation in and around the city sewer and the public right-of-way to allow for an inspection of the work. The general contractor shall specify in the permit the notice time and place to have an inspection completed by a representative of the Department of Public Works.

(E) This section shall not be construed as contravening any ordinance of the city relating to construction within public streets, roads, or right-of-ways, but rather shall be supplemental thereto.

(F) The Common Council may modify the sewer tap permit application and fees from time to time, when connections to the city sewer are contemplated or repairs are made to lateral sewer lines under public improvement projects.

(G) Except to the extent that it may be preempted by the acts of state and federal agencies pursuant to state or federal laws, rules, or regulations, the Director of the Department of Public Works may prohibit any connection to the city sewer if it is not demonstrated that there is sufficient capacity in all downstream sewer to accept the discharge.

(H) City sewer connections shall be performed by a licensed general contractor with all required permits from the City of Beech Grove or other necessary department of the city or the county.

§50.052 REVOCATION OF PERMITS; NOTICE THEREOF.

(A) The Director of the Department of Public Works may revoke the discharge permit of any person for any of the following:

- (1) Violation of this chapter or any applicable state or federal law, including regulations.
- (2) Failure to timely file any discharge reports.
- (3) Failure to factually report wastewater characteristics
- (4) Refusal of reasonable access to the user’s premises for the purpose of inspection or monitoring.

(5) Violation of conditions of the permit.

(B) Except in cases of willfulness or those in which public health interest or safety requires otherwise, the revocation, withdrawal, or suspension of a discharge permit is lawful only if, before the institution of proceedings thereof, the permittee had been given:

- (1) Notice by the Director of the Department of Public Works in writing of the facts of conduct which may warrant the action; and
- (2) Opportunity to demonstrate or achieve compliance with all lawful requirements.

§50.054 BOND REQUIRED.

No person, corporation or general contractor shall perform any excavation or construction within the public right-of-way of the city until he has filed with the City Clerk Treasurer a good and sufficient surety bond in the sum of \$10,000.00.

§50.060 SANITARY BUILDING SEWER: CONNECTION TAP, INSTALLATION< REPLACEMENT or REPAIR.

(A) One and two family structures.

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|-----|--|----------|
| (1) | New sewer install and tap. | \$400.00 |
| (2) | Right-of-Way | \$75.00 |
| (3) | Existing sewer repair or replacement | \$75.00 |
| (4) | Installation of an outside cleanout on an existing sewer | \$50.00 |
| (5) | Inspection Fee | \$75.00 |

(B) Other than one and two family structures.

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|-----|--------------------------------------|----------|
| (1) | New sewer install and tap: | \$750.00 |
| (2) | Right of Way | \$75.00 |
| (3) | Existing sewer repair or replacement | \$75.00 |
| (4) | Installation of an outside cleanout | \$75.00 |
| (5) | Inspection Fee | \$75.00 |

§50.061 ESTABLISHMENT OF OTHER NON-RECURRING CHARGES;
AUTHORITY TO RAISE MINIMUM CHARGES.

In addition to the other charges provided for in this chapter, the Beech Grove Sewage Works hereby establishes the following additional non-recurring minimum charges for the services indicated:

Service:	Fee:
Residential and new account activation	\$25.00
Non-Residential new account activation	\$25.00
Returned Check Fee	\$25.00
90 day Past Due / 1st letter	\$25.00
2nd letter - sent certified	\$50.00
Filing of Lien	\$35.00

§50.062 DELINQUENT ACCOUNTS; DELINQUENCY PENALTIES

(A) Sewer service charges levied pursuant to this chapter shall be due and payable on or before the due date on the billing statement. Any charges for services not paid by the due date shall be delinquent, and may be collected, with applied penalty, recording fees, service charges, attorney's fees, interest and court cost, if any, in accordance with this chapter.

(B) In addition to all other remedies available to the city, the city may, after reasonable notice to the person being billed may be subject to remediation in a court of law upon approval by the Board of Sanitation.

(C) Delinquent charges for late fees, and any applied penalties, recording fees, legal fees and service charges may be applicable. A lien upon the property may be collected in accordance with the provisions of Indiana Statutes.

§50.067 APPLICATION OF EXCAVATING. (current section)

§50.068 SUBSURFACE FILL REQUIRED. (current section)

§50.069 USE OF BARRICADES AND WARNING SIGNS. (current section)

§50.070 RETURNING STREET TO ORIGINAL CONDITION. (current section)

§50.071 EXCAVATION PERMIT FEES (current section)

NOW THEREFORE BE IT AFFIRMED that the Common Council desires to make changes the Chapter 50 of the Code of Ordinances for the City of Beech Grove.

NOW THEREFORE BE IT FURTHER AFFIRMED that this General Ordinance only applies to Chapter 50 of the Code of Ordinances for the City of Beech Grove and no other ordinance.

NOW THEREFORE BE IT FURTHER AFFIRMED that this ordinance shall go into effect on immediately after passage by the Common Council, signed by the Council President Pro-Tem, attested by the Clerk Treasurer and signed by the Mayor.