

TOWN OF St. Paul, Indiana

ORDINANCE NO. 2026-01

SEWER USE ORDINANCE

WHEREAS, the Town of St. Paul, Indiana owns and operates sewage works;

WHEREAS, the Town Council for the Town of St. Paul, Indiana (the "Council") is the governing board of the Town's sewage works and, in that capacity, shall adopt rules for the use and operation of the sewage works and other sewers and drains connected to the sewage works, to the extent that they may affect the operation of the sewage works;

WHEREAS, the Council, as the governing board of the Town's sewage works may require:

- 1) connection to its sewer system of any property producing sewage or similar waste; and
- 2) discontinuance of the use of privies, cesspools, septic tanks, and similar structures;

WHEREAS the operation of the Town's sewage works is subject to applicable federal, state and county statutes, codes, and regulations;

WHEREAS, in order to comply with those federal, state and county statutes, codes, rules and regulations and serve the best interests of the Town and the customers of its sewage works, the Council needs to enact and enforce policies and rules which will relate to and regulate the construction and use of public and provide sewers and related facilities in Town.

ACCORDINGLY, BE IT ORDAINED BY THE Town Council of the Town of St. Paul, Indiana as follows:

Section 1. Abbreviations. The following abbreviations, when used in this ordinance, shall have the designated meanings:

EPA: U. S. Environmental Protection Agency, Washington D.C.

IDEM: Indiana Department of Environmental Management

NPDES: National Pollutant Discharge Elimination System

POTW: Publicly Owned Treatment Works

U.S.C: United States Code

Section 2. Definitions. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or the ACT- The Federal Water Pollution Control Act, also known as Clean Water Act, as amended 33 U.S. C.1251 ET. seq.

APPLICABLE PRETREATMENT STANDARD - Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in the town's ordinances and considered to be the most restrictive with which non-residential users will be required to comply.

BUILDING DRAIN -That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER - A sewer conveying wastewater from the premises of a user to the POTW.

BUILDING INSPECTOR - The person authorized by the town to inspect and approve the installation of septic tanks or other private wastewater disposal facilities, or his authorized deputy, agent, or representative.

COMBINED SEWER - A sewer that carries both sanitary and storm water flow by design.

COOLING WATER - The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

DISCHARGER - Any person allowing wastewater to be discharged to the public sewer system.

EFFLUENT- A waste material, such as liquid industrial refuse, or wastewater being discharged into a receiving stream.

EXTENSION - An added section of sanitary sewer expanding the service area of an existing public sewer. A building sewer is not considered to be an extension.

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

GROUND (SHREDDED) GARBAGE - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewage system, with no particle being greater than one half (1/2") in dimension.

INDUSTRIAL USER - Any industrial or commercial establishment subject to a National Categorical Pretreatment standard, that discharged industrial (process) wastewater to a publicly owned treatment works and/or meet conditions of the town's Industrial Pretreatment Standards.

INDUSTRIAL WASTES - The liquid waste from industrial manufacturing processes, trade, or business, as distinct from sanitary wastewater.

INSPECTOR - The person or persons duly authorized by the town, through its Town Council, to assure compliance with all Town ordinances pertaining to the POTW.

INTERFERENCE - A discharge that, alone or in conjunction with a discharge or discharges from other sources, does any of the following: (a) inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods, or (b) causes a violation of any requirement POTW's NPDES permit, including an increase in the magnitude or duration of a violation, or (c) prevents the use of the POTW's NPDES sewage sludge or its approved sludge disposal methods.

NATIONAL CATEGORICAL PRETREATMENT STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Federal Water Pollution Control Act as amended by the Clean Water Act, which applies to a specific category of industrial users.

NPDES or NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM - National Pollution Discharge Elimination System, the program administered by the EPA, and the IDEM.

NATURAL OUTLET - Any outlet into a watercourse, pond, lake or other body of surface or groundwater or into any open or tile ditch or sewer which does not carry wastewater through the municipal wastewater treatment plant.

OPERATIONAL PROBLEM - an exceptional incident in which a discharger unintentionally and

temporarily is in a state of noncompliance with the applicable standard due to factors beyond the reasonable control of the discharger.

OWNER - The record owner of the property according to the assessment or transfer records in the office of the Auditor of Decatur County, Indiana, whose address shall be deemed to be the mailing address of the property unless the owner has notified the business office of The Town of St. Paul, Indiana, at P.O. Box 235, St. Paul, IN 47272 (address)_____, by certified mail with return receipt of a different address than that of the property.

PASS THROUGH - A discharge that exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the Towns' National Pollutant Discharge Elimination System (NPDES) including an increase in the magnitude or duration of a violation.

PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate governmental entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

POLLUTANT - Means, but is not limited to, dredged spoil, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, solid wastes, toxic wastes, hazardous substances, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended: 42 USC 2011, et. seq.), heat, wrecked or discarded equipment, rock sand, cellar dirt, and other industrial, municipal, and agricultural waste discharge into water.

POLLUTION - The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGE - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 15 of this ordinance.

POTW or PUBLICLY OWNED TREATMENT WORKS - A "treatment works" as defined in Section 212 (2) of the Act (33 U.S.C. 1292) which is owned by the Town. This definition includes treatment works as defined by Section 212 (2) of the Clean Water Act owned by the state or a municipality (as defined by Section 502 (4) of the Clean Water Act), except that it does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. The term includes any devices and systems used in the storage, treatment, recycling.

and reclamation of municipal sewage or compatible industrial waste. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality; as defined by Section 502 (4) of the Clean Water Act, which has jurisdiction over indirect discharges to and the discharges from such a treatment work.

PUBLIC SEWER - A sewer in which all owners of abutting properties have equal rights, which is controlled by public authority, and which carries wastewater to the POTW.

SANITARY BUILDING DRAIN - That part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building or structure which received water-carried wastes or the discharge from soil or waste stacks and branches and conveys the same to a point three feet outside the building or structure walls where it connects with its respective building sewer.

SANITARY SEWER - A sewer that conveys liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions; and to which storm, surface and ground waters are not intentionally allowed to enter.

SANITARY SEWAGE - All waste streams discharged to the POTW excluding inflow, infiltration, and industrial discharges.

SEWER -A pipe or conduit for carrying wastewater.

SEWER PROPERTY DAMAGE - Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of the natural resources which can reasonably be expected to occur in the absence of bypass.

SHALL - is mandatory; **MAY** is permissive.

STORM SEWER - A sewer that carries storm and surface waters and drainage but excludes other liquid and water-carried wastes.

STORM WATER - Any flow occurring during or following any form of natural precipitation and resulting there from.

SUPERINTENDENT -The person authorized by the Town Council to act on behalf of the Utility and the town or his authorized deputy, agent, or representative.

UTILITY- Term used to describe the Town of St. Paul Municipal Utilities, employees, and includes any property owned and/or controlled by said entity.

WASTEWATER - A combination of the water carried from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT - That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

All references to federal statutes, regulations, EPA standards, IDEM regulations, pretreatment standards, and NPDES requirements shall include all amendments, revisions, successor regulations, and replacement provisions as they may be amended from time to time.

Section 3. **OBJECTIONABLE MATERIAL PROHIBITED.**

It shall be unlawful for any person to place or deposit or permit to be placed or deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters. It shall be unlawful to discharge to any natural outlet or watercourse within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters. It shall be unlawful to construct or maintain any facility intended or used for the disposal of wastewater except as provided in all Sections of this Ordinance.

Section 4. **SUITABLE SANITARY FACILITIES REQUIRED.**

The owner of all dwellings, building, or properties used for human occupancy, employment, recreation, or other purposes and abutting any street, alley, or right-of-way in which there is now located or may in the future be located at POTW is required, at his expense and in accordance with specifications prescribed by the Wastewater Department, to install suitable sanitary facilities and to connect those facilities directly to the public sewer in accordance with the provisions of this Ordinance, within 90 days after date of official notice to do so, provided that the public sewer is within three hundred feet (300') of the property line. The notice shall be by certified mail to the property owner at the address of the property.

The property owner must receive approval of the Superintendent prior to construction and connection to the system. The Superintendent shall inspect the construction and the testing

process. The property owner must have received approval from the Superintendent prior to connection to the sanitary sewer.

Section 5. **PRIVATE SEWAGE DISPOSAL SYSTEMS WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF ST Paul.**

Where a public sanitary sewer is not available under the provisions of Section 4 of this Ordinance, the owner of all houses, buildings, or properties used for human occupancy, employment, business, recreation, or other purposes, situated within the Town, shall be required, at the owner's expense to install suitable facilities and sanitary building drains therein, and to connect the facilities directly with a private sewage disposal system complying with the provisions of this chapter.

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Town Building Inspector. The application for the permit shall be made on a form furnished by the Town, with which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town Building Inspector. A permit and inspection fee shall be paid to the Town Clerk-Treasurer at the time the application is filed.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Town. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town Building Inspector when the work is ready for final inspection, and before any underground portions are covered.

The type, capacities, locations, and layout of a private wastewater disposal system shall comply with all applicable Federal and State rules, regulations, and recommendations. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided herein, a direct connection shall be made to the public sewer within 90 days as prescribed in 06, any septic tanks, cesspools, and private wastewater disposal facilities shall be abandoned, cleaned of sludge, and filled with clean bank-run gravel, dirt or other suitable material at the expense of the owner.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times. The owner shall reimburse the town for any costs or expenses incurred in the enforcement of this provision.

Section 6. **BUILDING SEWER PERMITS.**

No unauthorized person shall uncover, make any connections with or open, tap into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

The owner of a lot, parcel of real estate, or building shall make application, on a special form furnished by the Town Building Inspector, to construct a building sewer from the building to the main sewer. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town Building Inspector. A permit and inspection fee shall be paid to the Town Clerk-Treasurer. These permits expire 90 days after the date of their issuance. The Town Building Inspector may issue a second 90-day permit without additional charge if application is made prior to the expiration of the first permit and the application adequately explains why the construction of the building sewer was not made within the first 90-day period.

The owner of a lot, parcels of real estate, or building shall make application on a form supplied by the Superintendent to connect the building sewer to the public main sewer and to discharge sewage into the public sewer system. The permit application shall be supplemented by all plans, specifications, or other information from time to time required by the Town Council. A sewer connection permit and availability fee shall be paid to the Wastewater Department of The Town of \$___ at the time the application is filed. All permits issued under this section shall be posted in a prominent place at the building or construction site.

Upon inspection and approval of the connection of building sewer to the public main sewer the owner shall become a customer of the POTW and shall be subject to all applicable policies, rules, rates, and charges.

Section 7. **COST OF INSTALLATION.**

All costs and expenses incidental to the installation and connection of the building sewer shall be paid by the owner. The owner, contractor, developer, and all persons performing work under this Ordinance shall jointly and severally indemnify, defend, and hold harmless the Town of St. Paul, its elected officials, officers, employees, agents, contractors, engineers, consultants, and representatives from and against any and all claims, demands, causes of action, damages, losses, judgments, liabilities, penalties, fines, costs, and expenses, including reasonable attorney fees, engineering fees, consultant fees, court costs, and administrative expenses, arising out of or relating to the installation, construction, repair, replacement, maintenance, connection, use, or operation of any building sewer,

sewer connection, or related work performed pursuant to this Ordinance, except to the extent caused solely by the Town's gross negligence or willful misconduct. The obligations contained in this Section shall survive completion of the work, issuance of any permit, inspection approval, connection approval, acceptance of the work by the Town, transfer of ownership, and termination of service.

The Town may require any contractor, developer, or other person performing work under this Ordinance to provide proof of liability insurance in amounts determined by the Superintendent and to name the Town of St. Paul as an additional insured prior to commencement of any work affecting the wastewater system.

Section 8. **INDEPENDENT SEWER.**

A separate and independent building sewer shall be provided for every building except where one

building is located at the rear of another and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway and the owner(s) obtain approval for extension and connection and the sewer serving the front building is determined by the Superintendent to be adequate to handle both facilities.

Section 9. **INSPECTION OF EXISTING BUILDING SEWERS; REQUIRED BEFORE USE.**

Existing building sewers may be used in connection with new buildings only when they are found, by inspection and tested by the Superintendent, to meet all requirements of this chapter.

Section 10, **CONFORMANCE WITH CODES REQUIRED FOR BUILDING SEWERS**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules, regulations and construction standards of the Town of ST Paul and the State of Indiana.

Section 11. **GRAVITY FLOW.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. When the building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by the building drain shall be lifted by any means approved by the Superintendent and discharged to the building sewer.

Section 12. **CONNECTION OF RUNOFF OR GROUNDWATER WITH SANITARY SEWER PROHIBITED.**

No person shall make connections of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff, groundwater or uncontaminated cooling water to a building sewer or building drain including any stormwater sump pumps. Persons who connect such facilities to the sewer system shall be responsible for properly disconnecting same upon notification of the Superintendent. Persons in violation of this chapter shall be subject to penalties as defined herein. Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the Superintendent.

Section 13. **INSPECTION REQUIRED FOR BUILDING SEWERS.**

The applicant for the building sewer permit shall notify the Town Building Inspector when the building sewer is ready for inspection. The connection shall be made under the supervision of the Inspector or his representative. Building sewer permit applicants shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. All connections to the public sewer shall be made under the supervision of the Superintendent. Notice shall be given at least 48 hours in advance to allow the Superintendent to schedule a time for inspection and connection.

Section 14. **BUILDING SEWER CONNECTION REQUIREMENT.**

The connection of the building sewer to the public sewer shall conform to the requirements of the building and plumbing code and all other applicable rules, regulations, specifications, standards, and ordinances of the Town and the State of Indiana. The connection of the building sewer to the wastewater system shall only be performed by a contractor authorized by the Superintendent.

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 shall be made under the supervision of the Superintendent or the Superintendent's representative. Notice shall be given at least forty-eight (48) hours in advance to allow the Superintendent to schedule a time for the inspection. It shall be a violation of this chapter for any connection to be covered prior to final inspection and approval by the Superintendent. If re-excavation is required to permit inspection, the property owner shall be responsible for and shall reimburse the Town of St. Paul for all expenses incurred. The owner shall be responsible for obtaining and complying with street cut permits, utility location requirements, governmental approvals, and any other permits or authorizations necessary to facilitate a building sewer connection.

All excavations for building sewer installations shall be adequately guarded and protected by the owner with barricades, warning devices, and lights so as to protect the public from hazard. Streets, alleys, sidewalks, parkways, and other public property disturbed during the course of work shall be restored to a condition satisfactory to the Superintendent and in compliance with all applicable standards.

The owner, contractor, developer, and all persons performing work under this Ordinance shall jointly and severally indemnify, defend, and hold harmless the Town of St. Paul, its elected officials, officers, employees, agents, contractors, engineers, consultants, and representatives from and against any and all claims, demands, causes of action, damages, losses, judgments, liabilities, penalties, fines, costs, and expenses, including reasonable attorney fees, engineering fees, consultant fees, court costs, and administrative expenses, arising out of or relating to the work performed, excavation conducted, connection made, discharge occurring, or violation of this Ordinance, except to the extent caused solely by the Town's gross negligence or willful

misconduct. The obligations contained in this Section shall survive completion of the work, issuance of any permit, inspection approval, connection approval, acceptance of the work by the Town, transfer of ownership, and termination of service.

The Town may require any contractor, developer, or other person performing work under this Ordinance to provide proof of liability insurance in amounts determined by the Superintendent and to name the Town of St. Paul as an additional insured prior to commencement of any work affecting the wastewater system.

Section 15 **DISCHARGING CERTAIN WATERS AND SUBSTANCES**

No person shall discharge or cause to be discharged into a public sewer any of the following

- a. gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animal, create a public nuisance, or create any hazard in the receiving waters of the POTW.
- c. any waters or wastes having properties capable of damaging or causing hazards to structures, equipment, and/or personnel of the Wastewater Department.
- d. solid or viscous substances in quantities or of a size capable of causing flow obstructions in the sewers or other interference with the proper operation of the POTW.

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 Superintendent that such wastes can harm either the sewers, wastewater treatment process, or equipment, or have an adverse effect on the receiving stream or otherwise endanger life, limb, public property, or constitute a nuisance. In making his decision as to the acceptability of these wastes, the Superintendent 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 wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and pertinent factors.

No person shall discharge or cause to be discharged water or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge to the receiving waters.

All system users are subject to the discharging rules and restrictions expressly set forth in this Ordinance and all applicable EPA National Pretreatment Standards, and state and local standards, all of which are incorporated herein by reference.

If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which contain the prohibited substances or characteristics which, in the judgment of the Superintendent, may have a deleterious effect on the POTW, or receiving waters, or which otherwise create a hazard life or constitute a public nuisance, the Superintendent may:

- a. reject waste;
- b. require pretreatment to an acceptable condition for discharge to the public sewers;

- c. require control over the quantities and rates of discharge; or
- d. require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges.

If the Superintendent permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the requirements of all applicable federal, state, and local statutes, rules, regulations, and ordinances.

No person shall discharge or cause to be discharged into a public sewer any of the following: storm water, surface water, ground water, roof runoff, subsurface drainage, noncontract cooling water, swimming pool water, or other unpolluted water. Storm water and all other unpolluted drainage shall be discharged to designated storm water sewers.

Section 16. Industrial and Commercial User Reporting Requirements. Any industrial or commercial user subject to federal, state, or local pretreatment requirements shall furnish to the Superintendent, upon request, all reports, monitoring records, sampling data, discharge information, permits, certifications, manifests, operational records, maintenance records, and other information reasonably necessary to determine compliance with this Ordinance, applicable pretreatment standards, NPDES requirements, and all other applicable laws and regulations.

Such users shall maintain all required records for a minimum period of three (3) years, or for such longer period as may be required by law or requested by the Superintendent in connection with any investigation, enforcement proceeding, litigation, or regulatory review. The Superintendent and authorized representatives of the Town shall have the right to inspect and copy such records during normal business hours and to obtain samples, measurements, and monitoring data necessary to determine compliance. Failure to provide requested information, maintenance of false records, destruction of records, or refusal to permit inspection shall constitute a violation of this Ordinance and shall subject the user to all penalties and remedies provided herein.

Section 17. Mandatory inspection prior to sale or change in water billing.

- (1) A sanitary lateral clearance certificate shall be required upon the sale or transfer of ownership or change in water billing.
- (2) The Town shall as a mandatory condition prior to the issuance of a sanitary lateral clearance certificate by the Town, require a sanitary lateral inspection. The Town Wastewater Department will perform the inspection at no cost to the property owner for the camera work. Alternatively, the applicant may contract a plumber or other qualified contractor to inspect and appropriately test for any illegal storm water inflow connections into the sewer lateral on the affected property and provide the results of the inspection and tests to the Town on DVD or flash drive. All sewer laterals

shall be televised over their entire length, unless the lateral was previously televised within the last five (5) years and found to be in satisfactory condition. The plumber or other contractor performing such tests shall notify the Town at least three (3) business days in advance of performing the test, to give the Town the opportunity to have a representative present during testing. The Town representative/inspector is empowered to approve the test as performed, or to require additional testing.

- (3) The plumber or other qualified contractor performing the tests shall certify the results in writing to the Town. If the test results indicate any illegal storm water inflow connection to the sewer lateral, and or if the sewer lateral is found to be in such condition that the inspector, in his or her sole discretion, deems it to be unsatisfactory, then the applicant shall not be given a certificate until such illegal connection is removed and/or the unsatisfactory condition has been remedied to the satisfaction of Town officials.
- (4) In the event a sewer lateral is found to be in an unsatisfactory condition, and/or improper connections are found, the owner will be sent a notice to repair the lateral or remedy the conditions within 90 days. In the event the applicant fails to remedy such unsatisfactory conditions within 90 days the Town may, in its sole discretion:
 - (a) Disconnect the water supply; and
 - (b) Undertake such repairs or replacement of the sewer lateral as may be necessary to remedy the unsatisfactory situation or remove improper connections. The cost of such repairs becomes a lien upon the property.

Section 18. False Statements and Falsification of Records. No person shall knowingly make any false statement, representation, certification, record, report, plan, test result, application, permit submission, monitoring report, inspection report, sampling data submission, or other document required under this Ordinance. No person shall knowingly falsify, tamper with, render inaccurate, destroy, conceal, or fail to maintain any record, monitoring device, sampling result, inspection record, or other information required by this Ordinance.

Any violation of this Section shall constitute a violation of this Ordinance and shall subject the violator to all applicable penalties, damages, costs, fees, enforcement actions, and remedies available under this Ordinance and Indiana law. Each false statement, false certification, false report, altered record, or day of continued noncompliance shall constitute a separate violation.

Section 19. GREASE, OIL, AND SAND INTERCEPTORS REQUIRED.

Grease, soap, 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 grease in excessive amounts, or any flammable wastes, sand, soap or other harmful ingredients. 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. Costs incurred by the Town to correct problems in or repair damage to the POTW caused by a violation of these provisions shall be reimbursed by the owner of the property which is the source of the discharge.

Section 20. PRELIMINARY TREATMENT FACILITIES

Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained, continuously, in a manner approved by the Superintendent, at the owner's sole expense.

Section 21. TESTS, MEASUREMENTS, ANALYSIS.

All measurements, tests, and analyses 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. Sampling shall be conducted by customarily accepted methods to reflect the effect of constituents on the sewage works and to determine the existence of hazards to life, limb, and property. Any sampling, testing, televising, dye testing, smoke testing, inspection, investigation, laboratory analysis, or other compliance activity performed by the Town as a result of a suspected violation may be charged to the owner or the party responsible if a violation is confirmed.

Section 22. Right of Entry and Inspection. The Superintendent, Inspector, and other duly authorized representatives of the Town bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times for purposes of inspection, observation, measurement, sampling, testing, maintenance verification, enforcement, or other duties relating to the administration of this Ordinance. Where access is denied, the Town may seek an administrative inspection warrant or other judicial relief authorized by law. The owner, occupant, or operator shall not interfere with, delay, obstruct, or refuse lawful entry to authorized representatives of the Town.

Section 23. Notice. Whenever notice is required or authorized under this Ordinance, such notice may be provided by personal delivery, certified mail, regular United States mail, posting upon the affected property, door hanger, electronic mail when an address

has been provided to the Town, or by any other method reasonably calculated to provide actual notice. Notice shall be deemed given upon personal delivery, mailing, posting, transmission, or other delivery by the Town, regardless of whether actual receipt occurs.

Failure or refusal to accept delivery, failure to claim certified mail, inability to locate an owner after reasonable inquiry, or failure of actual receipt shall not invalidate any enforcement action, penalty, order, assessment, lien, or proceeding when the Town has substantially complied with this Section. For purposes of this Ordinance, notice sent to the owner's address as shown on the records of the County Auditor or the Town's utility records shall constitute sufficient notice unless the owner has provided written notice of a different mailing address.

Section 24. Administrative Enforcement and Hearing Procedure.

- A. Notice of Violation. Whenever the Superintendent determines whether a violation of this Ordinance has occurred or is occurring, the Superintendent may issue a written Notice of Violation to the owner, occupant, user, responsible party, or any combination thereof. The Notice of Violation shall contain:
 - (1) The address or legal description of the property involved;
 - (2) A description of the violation;
 - (3) The corrective action required;
 - (4) A reasonable deadline for compliance;
 - (5) Notice of the right to request an administrative hearing; and
 - (6) Notice of potential penalties and enforcement actions.
- B. Administrative Orders. Upon determination that a violation exists, the Superintendent may issue one or more of the following orders:
 - (1) Compliance Order;
 - (2) Stop Work Order;
 - (3) Cease and Desist Order;
 - (4) Order to Disconnect Improper Connections;
 - (5) Order to Repair or Replace Defective Facilities;
 - (6) Order to Install Monitoring, Pretreatment, or Control Equipment;
 - (7) Order to Reimburse the Town for Costs Incurred; or
 - (8) Any other order reasonably necessary to enforce this Ordinance.

- C. Right to Hearing. Any person receiving a Notice of Violation or Administrative Order may request an administrative hearing by filing a written request with the Town Clerk-Treasurer within ten (10) days after service of the Notice or Order. Failure to timely request a hearing shall constitute a waiver of the right to a hearing, and the Notice or Order shall become final.
- D. Hearing Officer. The Town Council may serve as the hearing body or may appoint a hearing officer to conduct the hearing and issue findings and recommendations.
- E. Hearing Procedures. The hearing shall be conducted in an informal manner. Technical rules of evidence shall not apply. The hearing body may receive testimony, documents, photographs, inspection reports, videos, sampling data, and other relevant evidence.
- F. Decision. Within a reasonable time following the hearing, the hearing body shall issue a written decision affirming, modifying, or rescinding the Notice of Violation or Administrative Order.
- G. Administrative Penalties. The hearing body may impose civil penalties authorized by this Ordinance and may assess costs incurred by the Town, including inspection costs, testing costs, consultant fees, engineering fees, attorney fees, administrative expenses, repair costs, and other enforcement expenses.
- H. Continuing Violations. Each day a violation continues shall constitute a separate violation and may be subject to a separate penalty.
- I. Emergency Situations. Nothing in this Section shall limit the Town's authority to take immediate action without prior notice or hearing when necessary to protect public health, safety, welfare, the environment, or the wastewater system.
- J. Additional Remedies. The remedies provided in this Section are cumulative and shall not limit the Town's right to seek injunctive relief, damages, penalties, service termination, cost recovery, liens, special assessments, or any other remedy authorized by law.
- K. Judicial Enforcement. The Town may enforce any final order issued under this Ordinance in a court of competent jurisdiction pursuant to Indiana Code 36-1-6 and any other applicable law.

Section 25. **TOWN'S REMEDIES FOR VIOLATIONS.**

Any person found to be in violation of the provisions of this Ordinance or who discharges or causes to be discharged any material causing damage to or obstructing the POTW will be liable to the Town for any expense, losses or damages caused by the violation or discharge. The Town may recover all expenses, losses, damages, or fines by any or all equitable or legal remedies. This remedy shall be in addition to all others provided by law or this chapter.

Any person who violates an order of the Town or fails to comply strictly with this Ordinance shall be subject to the imposition of a civil penalty of up to \$2,500, in addition to all other remedies created which may be available at law and in equity. Each day's violation shall constitute a separate offense for which a separate fine may be imposed.

In addition to all other remedies, the Town may bring a civil action to enforce the provisions of this Ordinance in accordance with Indiana Code Chapter 36-1-6. In any action brought to enforce this Ordinance or recover damages, costs, expenses, penalties, charges, or fees arising under this Ordinance, the Town shall be entitled to recover its reasonable attorney fees, engineering fees, consultant fees, court costs, administrative expenses, inspection costs, sampling costs, and all other expenses incurred in connection with enforcement.

Any unpaid charges, penalties, damages, costs of repair, inspection fees, administrative fees, attorney fees, or expenses incurred by the Town pursuant to this Ordinance shall constitute a debt owing to the Town. To the fullest extent permitted by Indiana law, the Town may certify such amounts to the County Auditor for collection in the same manner as delinquent taxes, place a lien upon the property served, and pursue any other collection remedy authorized by law.

Section 26. Emergency Suspension of Service. Whenever the Superintendent determines that an actual or threatened discharge presents an imminent danger to public health, safety, welfare, the environment, the wastewater collection system, treatment facilities, employees, contractors, or receiving waters, the Town may immediately suspend sewer service, water service, or both without prior notice. The Town may take any actions reasonably necessary to halt, prevent, contain, remove, or mitigate the threatened condition. The owner or responsible party shall be liable for all costs incurred by the Town in responding to the emergency.

Section 27. **WASTEWATER SYSTEM EXTENSION RULES AND PROCEDURES.** Every person connecting an extension to the wastewater treatment system shall:

- a. File a petition with the Town Council briefly describing the project, its terms, specifications, methods of financing, easements acquired or needed and having it approved.
- b. Provide permits and approvals from the Indiana Department of Environmental Management and all necessary governmental agency approvals as required by the Council.

The Council may approve, approve with conditions, or deny any proposed extension in its sole legislative discretion. The Council may give preliminary approval for the extension to the

wastewater system, which is not binding for final acceptance. After preliminary approval by the Council the person desiring to connect an extension shall:

- a. Permit inspection of the construction prior to closing all excavations;
- b. Perform testing of the extension for leak;
- c. Show proof of compliance with all applicable federal and state rules and regulations concerning wastewater system extension; Provide and easement for maintenance in the form acceptable to the Town of ST Paul;
- d. Provide a deed of dedication of all facilities to be maintained by the town in the form approved by the Town Council; and Assign all rights, title, and interest in the

extension, real estate adjoining, and all warranties to the Council.

Section 28. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, and provision thereof irrespective of the fact that any one or more provisions may be declared invalid.

This Ordinance shall take effect upon passage as provided by Indiana law. All ordinances, and parts of ordinances, in conflict with this Ordinance are hereby repealed.

Introduced and adopted on first reading by the Town Council of the Town of _____ on the ____ day of _____, ____.

Passed and adopted on second and final reading on the ____ day of _____, ____.

President of the Town Council

(NAME), Clerk-Treasurer _____