

TOWN OF MORGANTOWN

ORDINANCE NO. 2019-8

SEWER USE ORDINANCE

WHEREAS, the Town of Morgantown, Indiana owns and operates sewage works;

WHEREAS, the Town Council for the Town of Morgantown, 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, rules 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 Morgantown, 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 nonresidential users will 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 form the premises of a user to the POTW.

BUILDING INSPECTOR - The person so 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 standards, 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 wastes 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 Morgan 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 Morgantown, at 120 W. Washington St. Morgantown IN, 46160, 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' NPDES(0036820)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 City. This definition includes a 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 wastes. 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 the 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 wastes 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 in behalf of the Utility and the town or his authorized deputy, agent or representative.

UTILITY- Term used to describe the Town of Morgantown 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.

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 Sections and 5 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 MORGANTOWN.**

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 opening, tap into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit form 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, parcel 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 Morgantown 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 or the person installing the building sewer for the owner shall indemnify the Town for any loss or damage that may be directly or indirectly occasioned by the installation.

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 Morgantown 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 connection 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. 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 or other applicable rules and regulations of the town. The connection of the building sewer to the wastewater system shall only be permitted 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 his 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 and shall reimburse the Town of Morgantown for all expenses incurred. The owner shall be responsible for obtaining and complying with street cut permits from the appropriate agencies as well as any other permits, authorizations and/or utility service locations required to facilitate a building sewer connection.

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

The owner shall agree to indemnify and hold harmless the city from any loss, damage, claims or actions that may directly or indirectly be occasioned by installation of the building sewer.

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 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; or
- d. require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of 20.

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. **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 17. **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 18. **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 carried out 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.

Section 19. **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.

Section 20. **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 has absolute discretion as to whether to allow an extension to be connected to the system. 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 Morgantown;
- 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

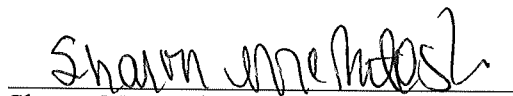
extension, real estate adjoining and all warranties to the Council.

This Ordinance shall become immediately effective upon its publication. 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 Morgantown on the 13th day of November, 2019.

Passed and adopted, upon suspension of rules, on second and final reading by the Town Council of the Town of Morgantown on the 13th day of November, 2019.


Penny Anderson, Town Council President


Sharon McIntosh, Clerk-Treasurer