

ORDINANCE NO. 30-2025

**AN ORDINANCE TO AMEND TITLE V: PUBLIC WORKS
CHAPTER 51: PUBLIC AND PRIVATE SEWERS**

WHEREAS, the Town of Danville, Indiana ("Town") has heretofore constructed and has in operation a Wastewater Treatment system for the purpose of collecting, conveying and managing Wastewater; and

WHEREAS, the Town Council of the Town ("Town Council") has previously adopted multiple ordinances establishing Wastewater Management including Public and Private Sewers.

WHEREAS, the Wastewater Management Ordinance regulates:

1. Public and Private Sewers (see exhibit A)

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE THAT the Danville Code of Ordinances be amended to add the following:

1. See Exhibit A

This ordinance shall be in full force and in effect upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Danville, Indiana, on
this _____ day of _____ 2025

TOWN OF DANVILLE COUNCIL

Dave Potter

Michael Chatham

Greg Irby

Bret Doub

Chris Gearld

ATTEST:

Carrie E. Lofton
Town of Danville
Clerk/Treasurer

Exhibit "A"

CHAPTER 51: PUBLIC AND PRIVATE SEWERS

Section

- 51.01 Definitions
- 51.02 Sewer usage
- 51.03 Private sewage disposal system
- 51.04 Building sewers
- 51.05 Discharges
- 51.06 Pretreatment of wastes
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§ 51.01 DEFINITIONS.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five days at 20° C.

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

BUILDING DRAIN, SANITARY. A building drain which conveys sanitary or industrial sewage only.

BUILDING DRAIN, STORM. A building drain which conveys stormwater or other clear water drainage, but no wastewater.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

BUILDING SEWER, SANITARY. A building sewer which conveys sanitary or industrial sewage only.

BUILDING SEWER, STORM. A building sewer which conveys stormwater or other clear water drainage, but no sanitary or industrial sewage.

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

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term SUBSTANTIAL DEGREE is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, and fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

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

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the town.

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

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (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 discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellars, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, stormwaters, surface run-off, street wash waters or drainage. (INFLOW does not include, and is distinguished from, INFILTRATION.)

INSPECTOR. The person or persons duly authorized by the town, through its Board of Trustees, to inspect and approve the installation of building sewers and their connection to the public sewer system.

MAJOR CONTRIBUTING INDUSTRY. An industry that:

- (1) Has a flow of 50,000 gallons or more per average work day; or
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste; or
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of PL 92-500; or
- (4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

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

NORMAL DOMESTIC SEWAGE. Shall have the same meaning as defined in the Sewage Rate Ordinance.

NPDES PERMIT. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

PERSON. Any individual, firm, company, association, society, corporation, group or other entity.

pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

PRIVATE SEWER. A sewer which is not owned by a public authority.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than inch in any dimension.

PROPERTY TRANSFER. The movement of property from one person or entity to another; the passage of title to property from the owner to another person; or the transfer of ownership of and title to property from one person to another for a price.

PUBLIC SEWER. A sewer which is owned and controlled by the public authority and will consist of the following increments:

(1) **COLLECTOR SEWER** shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(2) **FORCE MAIN** shall mean a pipe in which wastewater is carried under pressure.

(3) **INTERCEPTOR SEWER** shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(4) **PUMPING STATION** shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

SANITARY SEWER. A sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.

SEWAGE. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The three most common types of sewage are:

(1) **SANITARY SEWAGE** shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

(2) **INDUSTRIAL SEWAGE** shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

(3) **COMBINED SEWAGE** shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

SEWAGE WORKS. The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

SEWER. A pipe or conduit for carrying sewage.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than ten

minutes more than three times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.

STORM SEWER. A sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

SUMP PUMP. A system of pumps, pipes and basins and other peripheral equipment utilized to collect and convey groundwater from within, under or immediately adjacent to a structure and that does not contain any sanitary sewage, other sanitary waste, or pollutants.

SUPERINTENDENT. The Superintendent of the municipal sewage works of the town, or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated at 55° C for 15 to 20 minutes.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 17-1986, passed 11-3-86)

§ 51.02 SEWER USAGE.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town any human or animal excrement, garbage, or other objectionable waste.

(B) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water.

(C) Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the town. No new connection shall be made to any sanitary sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

(D) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES Permit.

(E) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES Permit.

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

(G) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the town is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 60 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.

(Ord. 17-1986, passed 11-3-86)

§ 51.03 PRIVATE SEWAGE DISPOSAL SYSTEM.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.02(G), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of \$__ shall be paid to the town at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for

the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in division (D) above, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(G) When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(H) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(Ord. 17-1986, passed 11-3-86)

§ 51.04 BUILDING SEWERS.

(A) No unauthorized person, other than one authorized by the town, shall uncover, make any connections with or opening into, or disturb any public sewer or appurtenance thereof, or make any cut into or excavation of a public street or alley to repair a building sewer or other private sewer line, without first obtaining a written permit from the Clerk-Treasurer.

(B) There shall be two classes of building sewer permits:

(1) For residential and commercial service, and

(2) For service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Inspector. A permit and inspection fees of \$__ for a residential or commercial building sewer permit and \$__ for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(C) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or

damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this chapter.

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. FD-5 shall apply.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations.

(J) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his or her representative.

(K) The responsibility for the maintenance and repair of building sewers and other private sewer lines, whether located on private property or in public rights-of-way including streets and alleys, shall be borne by the owner(s) of the building(s) served by the building sewer or private sewer line.

(L) All excavations for building sewer or private sewer line installation, repair or maintenance shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(Ord. 17-1986, passed 11-3-86; Am. Ord. 13-1997, passed 4-21-97)

§ 51.05 DISCHARGES.

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

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

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

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.

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

(5) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.

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

(7) Any waters or wastes having pH in excess of 9.5.

(8) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

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

(B) (1) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 51.05(A) of this chapter, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Require new industries (or other large users) or industries (or other large users) with significant increase in discharges to submit information on wastewater quantities characteristics and obtain prior approval for discharges;

(b) Reject the wastes in whole or in part for any reason deemed appropriate by the town;

(c) Require pretreatment of such wastes to within the limits of normal sewage as defined;

(d) Require control or flow equalization of such wastes so as to avoid any slug loads or excessive loads that may be harmful to the treatment works; or

(e) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

(2) If the Superintendent permits the pretreatment or equalization, of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

(C) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(D) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained so as to be safe and accessible at all times. Agents of the town, the State Water Pollution Control Agencies, and the U.S. Environmental Protection

Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(E) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standards Method for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(F) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the Rate Ordinance.

(Ord. 17-1986, passed 11-3-86)

Cross-reference:

Sewer Use Requirements, see Ch. 50

§ 51.06 PRETREATMENT OF WASTES.

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and Guidelines Establishing Test Procedures for Analysis of Pollutants (40 CFR Part 136), in addition to any more stringent requirements established by the town and any subsequent State or Federal Guidelines and Rules and Regulations.

(Ord. 17-1986, passed 11-3-86)

Cross-reference:

Sewer Use Requirements, see Ch. 50

§ 51.07 PRETREATMENT FACILITIES.

Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the town and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his or her expense and shall be subject to periodic inspection by the town to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against town monitoring records.

(Ord. 17-1986, passed 11-3-86)

§ 51.08 UNPOLLUTED WATERS.

Unpolluted water from air conditioners, cooling, condensing systems, swimming pools, or sump pumps shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the town and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the town.

(Ord. 17-1986, passed 11-3-86)

§ 51.09 INDUSTRIAL COOLING WATER.

Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with § 51.08.

(Ord. 17-1986, passed 11-3-86)

§ 51.10 WASTEWATER INFORMATION TO BE PROVIDED.

The town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the town, an appropriate charge may be assessed to the user at the option of the town.

(Ord. 17-1986, passed 11-3-86)

§ 51.11 WASTEWATER STRENGTH.

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the town may elect, or, at any place mutually agreed upon between the user and the town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the town.

(Ord. 17-1986, passed 11-3-86)

§ 51.12 INTERCEPTORS.

Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the town they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(Ord. 17-1986, passed 11-3-86)

§ 51.13 NOTIFICATION OF UNUSUAL/ACCIDENTAL DISCHARGE.

Users of the treatment works shall immediately notify the town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

(Ord. 17-1986, passed 11-3-86)

§ 51.14 DAMAGE TO SEWAGE WORKS PROPERTY.

No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 17-1986, passed 11-3-86)

§ 51.15 INSPECTIONS; PERMISSION TO ENTER PROPERTIES.

(A) The Superintendent, Inspector and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter. The Superintendent or his or her representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.05(E).

(C) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(D) Inspections for property transfers and connections to the public sewage system.

(1) Inspections for discharges of unpolluted water by the Superintendent are required for property transfers and for connections to the public sewage system.

(2) Prior to a property transfer, property owners are responsible for scheduling inspections for discharges of unpolluted water discharging to the public sewage system. This includes inspection for sump pumps, downspouts, stormwater or groundwater sources, as well as leaks, broken or cracked pipe, valves, etc. that could allow inflow and/or infiltration into the sewage system.

(E) *Removal of connections.*

(1) Any property owner who has a connection or installation in violation of this chapter or had an inspection according to § 51.15 indicating an improper connection shall remove such connection or correct such an installation within 30 days of the initial inspection.

(2) Property owners are financially responsible for the disconnection of discharges of unpolluted water conveyance systems or repair of broken pipes/systems and compliance with the Town of Danville Standards and Specifications.

(3) If the property owner disconnects the conveyances or conducts a repair themselves, then the property owner shall schedule an inspection with the Superintendent to certify the work was completed according to this chapter and the Town of Danville Standards and Specifications.

(4) The Town of Danville may undertake or cause to be undertaken, any necessary or advisable measures to prevent violations of this ordinance or to avoid or reduce the effects of noncompliance. The costs of any such measures shall be the responsibility of the property owner.

(E) Re-Inspections.

(1) Property owners are responsible for scheduling re-inspection by the Superintendent to confirm disconnections from the sanitary sewer.

(2) The Superintendent may periodically re-inspect any building or premises to determine compliance with the requirements of this chapter.

(G) The Town Manager shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this ordinance where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. This would also include cases that would not be practical or feasible to correct the problem. Application for waivers pursuant to this ordinance shall be addressed in writing to the Superintendent. The applications shall at minimum identify the property for which the waiver is being applied for, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the Town Manager shall make their decision on the matter and send a copy of such decision to the applicant by regular mail. Upon approval of an application for a waiver, a property owner shall be allowed to discharge directly into the sanitary sewer system for the time specified in the Town Manager's written decision. The applicant will be required to agree to pay an additional fee for the additional sewer service, along with the regular monthly charge. Fees for this service will be based on estimated yearly average amounts discharged to the sanitary sewer.

(F) Enforcement actions and penalties will be implemented for any person found to be violating any provision of this chapter in accordance with § 51.99.

§ 51.16 VIOLATIONS.

(A) Any persons found to be violating §§ 51.02(B), (C) or 51.04(H) of this chapter, shall be subject to a penalty not to exceed \$100 per month, per billing account. This penalty shall be imposed beginning the month immediately following passage and adoption of this chapter by the Board of Trustees.

(B) There shall be a moratorium upon the requirements for payment by any persons for a period of six months from the time of enactment of this chapter of the penalty as set forth in division (A) above. Further, any person who has, pursuant to division (C) below, consented to the inspection of their respective premises within 90 days of the date of adoption of this chapter, shall not be liable for payment until such inspection has been accomplished and the person given the opportunity to bring the premises into compliance within the time frame set out in division (C).

(C) A person may avoid liability for payment of the penalty established in division (A) above upon a showing that he is in compliance with all provisions of §§ 51.02(B), (C) or 51.04(H) of this chapter, which showing shall consist of the following procedures and conditions as to each building or appurtenance connected to the sanitary sewer:

(1) Each such person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "Grant of Permission" to the Town of Danville, to come upon the property and within the premises thereon, of such persons to inspect and/or perform sewer tests as may be deemed necessary by the town to verify the compliance hereinbefore referred to;

(2) The Grant of Permission set forth in subsection (1) above shall be deemed to include periodic inspections and/or tests as may be determined to be necessary by the Town of Danville to maintain, insure and monitor compliance with the provisions of §§ 51.02(B), (C) or 51.04(H) of this chapter;

(3) The term "Town of Danville" as used herein, shall mean and include such employees, or designees of the Town of Danville, Indiana, as it shall, from time to time utilize in making the inspections and/or tests heretofore referred to. Such persons shall have on their persons, identification to verify the fact that they in fact represent the town for the purposes.

(4) The inspections shall be made upon reasonable notice of at least 48 hours. There shall be no fee charged for the inspections.

(5) If, upon the initial inspection contemplated by division (B) above to verify compliance, a person is in fact not found to be in compliance, the person shall be given 14 days from the date of the inspection to so comply.

(D) In the event a person is found to be in compliance as heretofore set forth, and, upon subsequent inspection is found not to be in compliance, the person shall be liable for payment of an amount equal to the sum of the months since adoption of this chapter, multiplied by the monthly penalty in effect during such period as the case may be; provided that, such liability shall be reduced to 50% of the amount if the person complies within a period of ten days after notice by the Town of Danville of his or her non-compliance a

second or subsequent time, then the person shall be liable for a sum equal to \$500 plus an amount equal to the sum of the months since adoption of this Chapter multiplied by the monthly penalty in effect during such period as the, case may be.

(E) The Board of Trustees has determined that the measures heretofore set out are a reasonable means of insuring compliance with §§ 51.02(B), (C) or 51.04(H) of this chapter and are further necessary to protect and insure the health, safety and welfare of the citizens of the town and surrounding areas.

(Ord. 17-1986, passed 11-3-86)

§ 51.17 VARIANCES.

(A) In the event that circumstances uniquely applicable to a particular parcel of property causes compliance with a requirement of this chapter to be a hardship on the property owner, the Town Council (Board of Trustees) may grant the property owner a variance from the requirement.

(B) Variances from requirements of this chapter may only be granted by the Town Council upon a determination that the following conditions apply:

- (1) The grant will not be injurious to public health and safety;
- (2) The grant will not cause harm to the town's sewer system and its effective operation;
- (3) The grant will not violate any Federal or State law, rule or regulation;
- (4) The grant will not adversely affect the revenues pledged to any outstanding sewage works revenue bonds;
- (5) The use or value of the area adjacent to the property included in the variance will not be adversely affected;
- (6) The need for the variance arises from some condition peculiar to the property involved;
- (7) The strict application of the terms of this chapter will constitute an unusual and unnecessary hardship as applied to property for which the variance is sought.

(C) The Town Council may impose restrictions on variances from this chapter that it grants. If the Town Council determines that the restrictions have not been followed, the Town Council may revoke the variance. If without the variance a violation of the chapter exists, the town may undertake enforcement of this chapter against the owner of the property for which the variance has been revoked.

(Ord. 9-1994, passed 5-16-94)

§ 51.99 PENALTY.

(A) Any person found to be violating any provision of this chapter except provisions covered under § 51.16 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) above shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$__ for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.

{Ord. 17-1986, passed 11-3-86}