

ORDINANCE NO. 133

AN ORDINANCE AMENDING [ORDINANCE 131](#) FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

[Editor's Note: While much of this ordinance may still be valid, please see the latest schedule for current rates.]

WHEREAS, THE TOWN OF BATTLE GROUND HAS HERETOFORE AUTHORIZED THE CONSTRUCTION, MAINTENANCE AND OPERATION OF WORKS FOR THE COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE UNDER THE PROVISIONS OF CHAPTER 284 OF THE ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA FOR THE YEAR 1967; AND

WHEREAS, THE COST OF SUCH WORKS AND THE AMOUNT OF REVENUE BONDS TO APPLY ON THE COST HAVE BEEN DETERMINED, AND TENTATIVE CONTRACTS FOR THE CONSTRUCTION OF SAID WORKS HAVE BEEN AWARDED, SUBJECT TO SALE OF THE SAID REVENUE BONDS; AND

WHEREAS, SAID CHAPTER 284 OF THE ACTS OF 1967 REQUIRES THAT THE RATES AND CHARGES TO BE COLLECTED FOR THE USE OF AND THE SERVICE RENDERED BY SUCH SEWAGE WORKS BE FIXED BY ORDINANCE, FINALLY ADOPTED AFTER DUE NOTICE AND PUBLIC HEARING, AND AUTHORIZES THE COLLECTION OF RATES AND CHARGES WHEN THE CONSTRUCTION OF SUCH WORKS HAS BEEN COMMENCED; NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA:

SECTION 1. FOR THE USE OF AND THE SERVICE RENDERED BY SAID SEWAGE WORKS, RATES AND CHARGES SHALL BE COLLECTED FROM THE OWNERS OF EACH AND EVERY LOT, PARCEL OF REAL ESTATE OR BUILDING THAT IS CONNECTED WITH THE TOWN'S SANITARY SEWER SYSTEM OR OTHERWISE DISCHARGES SANITARY SEWAGE, INDUSTRIAL WASTES, WATER OR OTHER LIQUIDS, EITHER DIRECTLY OR INDIRECTLY, INTO THE SANITARY SEWER SYSTEM OF THE TOWN, WHICH RATES AND CHARGES SHALL BE PAYABLE AS HEREINAFTER PROVIDED AND SHALL BE IN AN AMOUNT DETERMINABLE AS FOLLOWS:

(a) EXCEPT AS HEREIN OTHERWISE PROVIDED, SEWAGE RATES AND CHARGES SHALL BE BASED ON THE QUANTITY OF WATER USED ON OR IN THE PROPERTY OR PREMISES SUBJECT TO SUCH RATES AND CHARGES, AS THE SAME IS MEASURED BY THE WATER METER THERE IN USE.

[Editor's Note: Section 1.b (below) was amended by [Ordinance #146](#) and later amended by [Ordinance #243](#). Please refer to the latest sewage rates ordinance for the current fees.]

(b) THE WATER USAGE SCHEDULE ON WHICH THE AMOUNT OF SAID SEWAGE RATES AND

CHARGES SHALL BE DETERMINED SHALL BE AS FOLLOWS:

QUANTITY OF WATER <u>USED PER MONTH</u>	CHARGE PER <u>1,000 GALLONS</u>
FIRST 5000 GALLONS	\$3.51
NEXT 10000 GALLONS	2.11
NEXT 20000 GALLONS	1.76
NEXT 65000 GALLONS	1.29
ALL OVER 100000 GALLONS	.89

MINIMUM FOR 5/8" & 3/4" METERS, \$7.02 PER MONTH; FOR 1" METERS \$12.87 PER MONTH; FOR 1¼" METERS \$16.97 PER FOR 1½" METERS \$21.06 PER MONTH; FOR 2" METERS \$28.08 PER MONTH AND FOR 4" METERS \$56.16 PER MONTH.

SECTION 2. (a) THE QUANTITY OF WATER OBTAINED FROM SOURCES OTHER THAN THE MUNICIPAL WATERWORKS AND DISCHARGED INTO THE PUBLIC SANITARY SEWER SYSTEM MAY BE DETERMINED BY THE TOWN IN SUCH MANNER AS THE TOWN SHALL ELECT, AND THE SEWAGE TREATMENT SERVICE MAY BE BILLED AT THE ABOVE APPROPRIATE RATES.

(b) IN THE EVENT A LOT, PARCEL OF REAL ESTATE OR BUILDING DISCHARGING SANITARY SEWAGE, INDUSTRIAL WASTE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, IS NOT A USER OF WATER SUPPLIED BY THE TOWN'S WATERWORKS AND THE WATER USED THEREON OR THEREIN IS NOT MEASURED BY A METER, OR IS MEASURED BY A METER NOT ACCEPTABLE TO THE TOWN, THEN THE AMOUNT OF WATER USED SHALL BE OTHERWISE MEASURED OR DETERMINED BY THE TOWN, IN ORDER TO ASCERTAIN THE RATES OF CHARGE, OR THE OWNER OR OTHER INTERESTED PARTY, AT HIS EXPENSE, MAY INSTALL AND MAINTAIN METERS, WEIRS, VOLUMETIC MEASURING DEVICES OR ANY ADEQUATE AND APPROVED METHOD OF MEASUREMENT ACCEPTABLE TO THE TOWN FOR THE DETERMINATION OF THE SEWAGE DISCHARGE.

(c) IN THE EVENT A LOT, PARCEL OF REAL ESTATE OR BUILDING DISCHARGING SANITARY SEWAGE, INDUSTRIAL WASTE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, IS A USER OF WATER SUPPLIED BY THE TOWN'S WATERWORKS, AND IN ADDITION USES WATER FROM ANOTHER SOURCE WHICH IS NOT MEASURED BY A WATER METER, OR IS MEASURED BY A WATER METER NOT ACCEPTABLE TO THE TOWN, THEN THE AMOUNT OF WATER USED SHALL BE OTHERWISE MEASURED OR DETERMINED BY THE TOWN IN ORDER TO ASCERTAIN THE RATES OF CHARGE, OR THE OWNER OR OTHER INTERESTED PARTY, AT HIS EXPENSE MAY INSTALL AND MAINTAIN METERS, WEIRS, VOLUMETRIC MEASURING DEVICES OR ANY ADEQUATE AND APPROVED METHOD OF MEASUREMENT ACCEPTABLE TO THE TOWN FOR THE DETERMINATION OF SEWAGE DISCHARGE.

(d) IN THE EVENT A LOT, PARCEL OF REAL ESTATE OR BUILDING DISCHARGES SANITARY SEWAGE, INDUSTRIAL WASTE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY

SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, AND USES WATER IN EXCESS OF 15,000 GALLONS PER MONTH, AND IT CAN BE SHOWN TO THE SATISFACTION OF THE TOWN THAT A PORTION OF WATER AS MEASURED BY THE WATER METER OR METERS DOES NOT AND CANNOT ENTER THE SANITARY SEWER SYSTEM, THEN THE OWNER OR OTHER INTERESTED PARTY SHALL INSTALL AND MAINTAIN METERS, WEIRS, VOLUMETRIC MEASURING DEVICES OR ANY ADEQUATE AND APPROVED METHOD OF MEASUREMENT ACCEPTABLE TO THE TOWN FOR THE DETERMINATION OF SEWAGE DISCHARGE.

(e) IN THE EVENT TWO (2) OR MORE RESIDENTIAL LOTS, PARCELS OF REAL ESTATE OR BUILDINGS DISCHARGING SANITARY SEWAGE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, ARE USERS OF WATER AND THE QUANTITY OF WATER IS MEASURED BY A SINGLE WATER METER, THEN IN EACH SUCH CASE, FOR BILLING PURPOSES, THE QUANTITY OF WATER USED SHALL BE AVERAGED FOR EACH USER AND THE MINIMUM CHARGE AND THE SEWAGE RATES AND CHARGES SHALL APPLY TO EACH OF THE NUMBER OF RESIDENTIAL LOTS, PARCELS OF REAL ESTATE OR BUILDINGS SERVED THROUGH THE SINGLE WATER METER.

(f) IN THE EVENT TWO (2) OR MORE DWELLING UNITS SUCH AS TRAILERS, APARTMENTS OR HOUSEKEEPING ROOMS DISCHARGING SANITARY SEWAGE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, ARE USERS OF WATER AND THE QUANTITY OF WATER IS MEASURED BY A SINGLE WATER METER, THEN IN SUCH CASE BILLING SHALL BE FOR A SINGLE SERVICE IN THE MANNER SET OUT ELSEWHERE HEREIN, EXCEPT THAT AN ADDITIONAL CHARGE SHALL BE ADDED THERETO IN THE AMOUNT OF ONE-HALF (1/2) OF THE MINIMUM CHARGE PER MONTH FOR EACH DWELLING UNIT OVER ONE (1) SERVED THROUGH THE SINGLE WATER METER. IN THE CASE OF TRAILER PARKS THE NUMBER OF DWELLING UNITS SHALL BE COMPUTED AND INTERPRETED AS THE TOTAL NUMBER OF TRAILERS LOCATED AND INSTALLED IN SAID PARK PLUS ANY OTHER DWELLING UNITS SERVED THROUGH THE METER. A DWELLING UNIT SHALL BE INTERPRETED AS A ROOM OR ROOMS OR ANY OTHER SPACE OR SPACES IN WHICH COOKING FACILITIES ARE PROVIDED.

Editor's Note: Section 2(g) was repealed by [Ordinance 13-509](#), adopted 5/13/2013.

(h) WHERE A METERED WATER SUPPLY IS USED FOR FIRE PROTECTION AS WELL AS FOR OTHER USES, THE TOWN MAY, IN ITS DISCRETION, MAKE ADJUSTMENTS IN THE MINIMUM CHARGE AND IN THE USE CHARGE AS MAY BE EQUITABLE.

(i) FOR THE SERVICE RENDERED TO THE TOWN, THE TOWN SHALL BE SUBJECT TO THE SAME RATES AND CHARGES HEREINABOVE PROVIDED OR TO RATES AND CHARGES ESTABLISHED IN HARMONY THEREWITH.

SECTION 3. IN ORDER THAT THE RATES AND CHARGES MAY BE JUSTLY AND EQUITABLY ADJUSTED TO THE SERVICES RENDERED, THE TOWN SHALL HAVE THE RIGHT TO BASE ITS CHARGES NOT ONLY ON VOLUME BUT ALSO ON THE STRENGTH AND CHARACTER OF THE SEWAGE AND WASTE WHICH IT IS REQUIRED TO DISPOSE OF. THE TOWN SHALL HAVE THE RIGHT TO MEASURE AND DETERMINE THE STRENGTH AND CONTENT OF ALL SEWAGE AND WASTE DISCHARGED, EITHER DIRECTLY OR INDIRECTLY, INTO THE TOWN'S SANITARY SEWER SYSTEM IN SUCH MANNER AND BY SUCH METHOD AS MAY BE DEEMED

PRACTICAL IN THE LIGHT OF THE CONDITIONS AND ATTENDING CIRCUMSTANCES OF THE CASE IN ORDER TO DETERMINE THE PROPER CHARGE. ANY AND ALL COMMERCIAL AND INDUSTRIAL INSTALLATIONS SHALL BE SO CONTROLLED AND/OR TREATED AS TO THE SEWAGE STRENGTH THAT THEIR EFFLUENT DISCHARGE TO THE TOWN'S SEWERS SHALL HAVE A B.O.D. (BIOCHEMICAL OXYGEN DEMAND) NOT TO EXCEED 300 PARTS PER MILLION AND SUSPENDED SOLIDS NOT TO EXCEED 350 PARTS PER MILLION AT ANY TIME. THE BOARD OF TRUSTEES IS AUTHORIZED TO PROHIBIT THE DUMPING OF WASTES INTO THE TOWN'S SEWER SYSTEM WHICH, IN ITS DISCRETION, ARE DEEMED HARMFUL.

SECTION 4. THE TERMS "SANITARY SEWAGE" AND INDUSTRIAL WASTES" SHALL BE DEFINED AS FOLLOWS:

(a) "SANITARY SEWAGE" IS DEFINED AS THE WASTE FROM WATER CLOSETS, URINALS, LAVATORIES, SINKS, BATHTUBS, SHOWERS, HOUSEHOLD LAUNDRIES, BASEMENT DRAINS, GARAGE FLOOR DRAINS, BARS, SODA FOUNTAINS, CUSPIDORS, REFRIGERATOR DRIPS, DRINKING FOUNTAINS, STABLE FLOOR DRAINS, AND ALL OTHER WATER- CARRIED WASTES EXCEPT INDUSTRIAL WASTES.

(b) "INDUSTRIAL WASTES" ARE DEFINED AS BEING THE LIQUID WASTE OR LIQUID-BORNE WASTE RESULTING FROM ANY COMMERCIAL, MANUFACTURING OR INDUSTRIAL OPERATION OR PROCESS.

SECTION 5. THE RATES AND CHARGES SHALL BE PREPARED AND BILLED BY THE TOWN MONTHLY, AS THE TOWN MAY DEEM APPROPRIATE AND AS DETERMINED BY THE BYLAWS AND REGULATIONS OF THE TOWN AS HEREINAFTER PROVIDED FOR, AND SHALL BE COLLECTED IN THE MANNER PROVIDED BY LAW AND ORDINANCE. SAID RATES AND CHARGES WILL BE BILLED TO THE TENANTS OCCUPYING THE PROPERTY SERVED UNLESS OTHERWISE REQUESTED IN WRITING BY THE OWNERS, BUT SUCH BILLING SHALL IN NO WISE RELIEVE THE OWNER FROM LIABILITY IN THE EVENT PAYMENT IS NOT MADE AS HEREIN REQUIRED. THE OWNERS OF THE PROPERTIES SERVED, WHICH ARE OCCUPIED BY TENANTS, SHALL HAVE THE RIGHT TO EXAMINE THE COLLECTION RECORDS OF THE TOWN FOR THE PURPOSE OF DETERMINING WHETHER SUCH RATES AND CHARGES HAVE BEEN PAID BY SUCH TENANTS, PROVIDED THAT SUCH EXAMINATION SHALL BE MADE IN THE OFFICE IN WHICH SAID RECORDS ARE KEPT AND DURING THE HOURS THAT SUCH OFFICE IS OPEN FOR BUSINESS.

Editor's Note: Section 6 (below) is referenced in [Ordinance #285](#) and [Ordinance #289](#).

SECTION 6. THE TOWN SHALL MAKE AND ENFORCE SUCH BYLAWS AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE SAFE, ECONOMIC AND EFFICIENT MANAGEMENT OF THE TOWN SEWER SYSTEM AND FOR THE CONSTRUCTION AND USE OF HOUSE SEWERS AND CONNECTIONS TO THE SEWER SYSTEM, AND FOR THE REGULATION, COLLECTION, REBATING AND REFUNDING OF RATES AND CHARGES.

SECTION 7. EXCEPT AS OTHERWISE PROVIDED, THE RATES AND CHARGES AS HEREIN SET FORTH SHALL BECOME EFFECTIVE ON THE DATE THAT SANITARY SEWERS OF THE SEWER SYSTEM ARE MADE AVAILABLE FOR CONNECTION TO ANY LOT, PARCEL OF REAL ESTATE OR BUILDING; BUT IN ANY EVENT, SAID RATES AND CHARGES SHALL BECOME EFFECTIVE

NO LATER JULY 1, 1972, IN ORDER THAT THE FIRST BILLING FOR SEWAGE SERVICE SHALL BE RENDERED NO LATTER THAN AUGUST 1, 1972.

SECTION 8. THE TOWN OF BATTLE GROUND IS HEREBY AUTHORIZED TO PROHIBIT DUMPING OF WASTES INTO THE TOWN'S SEWER SYSTEM WHICH, IN ITS DISCRETION, ARE HARMFUL TO THE OPERATION OF THE SEWAGE WORKS, OR TO REQUIRE METHODS EFFECTING PRETREATMENT OF SAID WASTES TO REDUCE THE CHARACTERISTICS OF THE WASTE SATISFACTORY TO THE TOWN.

SECTION 9. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND ON THE 26th DAY OF October , 1971.

Robert E. Smith
BOARD PRESIDENT

Floyd G. Mitchell
TRUSTEE

Fred Glossic
TRUSTEE

Arthur P. Pellam
TRUSTEE

TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER