

# ORDINANCE NO. 143

AN ORDINANCE REGULATING THE DIGGING, DRILLING, AND USE OF PRIVATE WELLS, THE USE OF PRIVATE WATER SOURCES, THE METERING OF WATER AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE TOWN OF BATTLE GROUND, INDIANA, AND THE PROVIDING OF PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Town of Battle Ground, Indiana, has heretofore installed within the Town a sewage system; and

WHEREAS, the provisions of the Use Ordinance regulating the conversion and use of public and private sewers in Battle Ground ([Ordinance No. 134](#)) makes mandatory, with certain exceptions, the exclusive use of the sanitary sewer facility by everyone; and

WHEREAS, the rates for the use of sanitary sewer system are scheduled and determined upon the quantity of metered water used by each customer.

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

SECTION 1. Except as hereinafter provided, it shall be unlawful to dig, drill or otherwise construct, maintain and use any private well, spring or other source of water for human consumption or any other use.

SECTION 2. Except as otherwise provided, it shall be unlawful to repair, reconstruct, restore, enlarge or expand the usage beyond present use of any existing well, or other private water source.

SECTION 3. Where a private source of water is to be provided, the Town Board, after due notice and upon a public hearing, shall first find that the use of a private well or other private water source would be in the best interests of the TOWN and upon such finding, the Board may authorize the Superintendent of the Water Works to issue a permit to the applicant, subject to the following provisions of this Section.

a) Before commencement of any work on such private well or other private source of water, the owner of the real estate affected shall submit to the Superintendent of the Water Department any plans, specifications, and other information as deemed necessary by the Superintendent. The Superintendent may thereupon issue a written permit to proceed with the plans and specifications. A permit and inspection fee of \$25.00 shall be paid to the TOWN at the time such permit is issued.

b) The permit shall not become effective until the private water system is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction. No work shall be deemed completed until meters or other measuring devices, to determine the amount of water passing through the s system, have been installed. All meters or measuring devices installed shall be provided by the user and shall be of the make and type specifically designated by the Superintendent.

c) When the applicant for the permit has completed the work, he shall notify the Superintendent that the work is ready for final inspection, before any pipe, pump, or other part of the system is covered from view. The inspection shall be made within ninety-six (96) hours from the receipt of notice by the Superintendent.

- d) The type, capacity, location and layout of the private well or private water system shall comply with all recommendations of the State Board of Health of the State of Indiana, and any other governmental agency charged with supervision or control of such water supply at that time.
- e) The owner shall not expand the usage of the well or system beyond the usage prescribed by the permit.

SECTION 4. Permits shall be issued for a term of ten (10) years and may be renewed for successive periods of ten (10) years each.

SECTION 5. a) Any person found to be violating any provision of this Ordinance shall be served by the TOWN with a written notice stating the nature of the violation and providing a reasonable time for the offender to make satisfactory correction thereof or to cease and desist in said violation.

b) Any person who shall continue any violation beyond the time limit provided for in Section 4a shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding Twenty Dollars (\$20.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

c) The TOWN shall, upon due notice to the owner of the real estate upon which the violations occurred or are occurring, have the right to cap or fill and close any well or other water system found, upon hearing by the Board of Trustees of the Town of Battle Ground to be in violation of this Ordinance.

d) Any person violating any of the provisions of this Ordinance shall become liable to the TOWN for any expense, loss or damage occasioned the TOWN by reason of such violation.

SECTION 6. All ordinance or parts of ordinances in conflict herewith are hereby repealed. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 7. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

PASSED AND ADOPTED BY THE BOARD OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON THIS THE 2ND DAY OF APRIL, 1973.

NAYS:

President, Board of Trustees

Trustee

Trustee

Trustee

AYES:

Otis C. Anderson  
President, Board of Trustees

Gary W. Younker  
Trustee

James M. Wilson  
Trustee

Francis L. Meyers  
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis  
Clerk-Treasurer

### CERTIFICATION

This is to certify that the above Ordinance No. 143 was published in the Lafayette Journal & Courier & The Lafayette Leader March 22, 1973 and March 29, 1973.

Laurlene Lewis  
Clerk-Treasurer