

TITLE V: PUBLIC WORKS

Chapter

50. SEWER

51. GARBAGE

CHAPTER 50: SEWER

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GENERAL PROVISIONS

§ 50.001 PURPOSE.

(A) The town has constructed, operates, and maintains a Municipal Sewage System to collect sewage and convey it away from the premises where produced and for treating and disposing of it in a safe and sanitary manner.

(B) This chapter regulates and controls the connection to and use of the sewage system; it restates the rates and charges for sewage services; it requires a permit for the construction, enlargement or alteration of on-site sewage disposal systems and it provides penalties for violations of its provisions.

(Prior Code, Ch. 21, Art. I)

§ 50.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

BOD (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C,

expressed in milligrams per liter (mg/l).

BUILDING DRAIN. 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 the building and conveys it to the building sewer, beginning 5 (1.5 meters) feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain, through and including a suitable septic tank to the public sewer.

COMMERCIAL USER. All retail stores, restaurants, office buildings, laundries, and other private/business and service establishments.

CUSTOMER. The owner of each and every lot, parcel of real estate or building that is connected with the sanitary sewage system or otherwise discharges sanitary waste, industrial waste, water or other liquids either directly or indirectly, into the sanitary sewage system.

EASEMENT. An acquired legal right for the specific use of land owned by others, including, but not limited to, right of access to the property's septic tank for the purposes of cleaning and inspection.

FLOATABLE OIL. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

GOVERNMENTAL USER. Legislative, judicial, administrative, and regulatory activities of federal, state, and local governments.

INDUSTRIAL USER. Any non-governmental, non-residential user of publicly owned treatment works which is identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric Gas and Sanitary; and Division I-Services.

INDUSTRIAL WASTES. The wastewater from industrial processes, trade, or business as distinct from domestic sanitary wastes.

INSPECTOR. The Superintendent or other person or persons duly authorized by the Town Council to inspect and approve the installation of building sewers and their connection to the public sewer system.

INSTITUTIONAL USER. Social, charitable, religions, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

MAY. Permissive (see **SHALL**).

N.P.D.E.S. PERMIT. A permit obtained from the State of Indiana by the town to discharge to treated wastewaters or Spencer into a watercourse.

NATURAL OUTLET. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL DOMESTIC WASTES. Sanitary wastes which do not exceed 200 mg/1 BOD or 200 mg/1 S.S. in strength.

ON-SITE DISPOSAL SYSTEM. All equipment and devices necessary for proper conduction, collection, storage, treatment and on-site disposal of sewage; including, but not limited to, building sewers, septic tanks, subsurface absorption fields and privy vaults.

OPERATION AND MAINTENANCE. Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term **OPERATION AND MAINTENANCE** includes replacement as defined herein.

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10.

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to the degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (.127 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL USER. Any contributor to the city's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

SS (denoting **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.

SANITARY SEWAGE. Waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator

drips, drinking fountains and all other water carried waste except industrial waste.

SANITARY SEWER. A sewer which carries sewage and into which storm, surface and ground waters are not intentionally admitted.

SEWAGE SYSTEM. All facilities for carrying, collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit that carries wastewater.

SHALL. Mandatory (see *MAY*).

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 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN. A drain for conveying water, ground water, subsurface water, or unpolluted water from any source.

SUPERINTENDENT. Superintendent of Wastewater facilities, and/or of Wastewater Treatment works of the Town of Spencer, or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as nonfilterable residue.

TOXIC SUBSTANCES. Concentrations of an pollutant or combination of pollutants defined in standards issued pursuant to § 307 of the Clean Water Act (as amended).

TREATMENT WORKS. Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USEFUL LIFE. The estimated period during which a treatment works will be operated.

WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

WASTEWATER FACILITIES. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

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

(Prior Code, Ch. 21, Art. II) (Ord. 1997-1, passed 1-20-1997; Am. Ord. 1997-2, passed 1-20-1997)

§ 50.003 POWERS AND DUTIES OF THE TOWN COUNCIL.

The Indiana Code provides that the Town Council shall make and enforce the by-laws, ordinances, and regulations as deemed necessary to insure the safe, economical, and efficient management and operation of the Municipal Sewage System. It also provides authority for the Town Council to establish rates for sewage services and for the issuance of revenue bonds to finance construction of extensions, enlargements or improvements in the Municipal Sewage System.

(Prior Code, Ch. 21, Art. III)

§ 50.004 STREAM POLLUTION PROHIBITED.

No person shall throw, run, drain, seep or otherwise dispose into any of the streams or waters of this state, or cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise disposed into the waters, any organic or inorganic matter that shall cause or contribute to a polluted condition of the waters unless a permit for the disposal has been obtained as authorized by the Indiana Code.

(Prior Code, Ch. 21, Art. IV) Penalty, see § 50.999

§ 50.005 CONNECTION TO SANITARY SEWER REQUIRED.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the town, and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or sanitary sewer of the town, is required to install suitable toilet facilities therein, at his or her expense. The toilet facilities shall be connected directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so; provided, that the public sewer is within 300 feet of the property line.

(Prior Code, Ch. 21, Art. V)

§ 50.006 INTERCEPTORS FOR GREASE, OIL AND SAND REQUIRED.

(A) Grease, oil, hair and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing large quantities of grease or oil, or any flammable wastes, sand and 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.

(B) Grease and oil interceptors shall be substantially constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be water tight and equipped with easily removable covers which when bolted in place, shall be gas tight and water tight and, where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(C) Interceptors shall not normally be required for private living quarters or dwelling units, however, under certain conditions of usage, the Superintendent may require the installation of a special interceptor.

(Prior Code, Ch. 21, Art. XII)

§ 50.007 PRELIMINARY SEWAGE TREATMENT FACILITIES.

(A) Where necessary in the opinion of the Superintendent, the owner shall provide at his or her expense the preliminary treatment facilities as may be necessary to reduce objectionable characteristics or constituents of the waste to within the maximum allowable limits and to control the quantities and rates of discharge of the waters or wastes.

(B) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Indiana State Board of Health, and no construction of the facilities shall be commenced until the approval is obtained in writing.

(C) Where preliminary treatment 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.

(Prior Code, Ch. 21, Art. XIII)

§ 50.008 RIGHT OF ENTRY.

The Superintendent and other duly authorized employees of the town shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(Prior Code, Ch. 21, Art. XVI)

§ 50.009 PUBLIC WORKS, SEWER.

(A) The Superintendent may determine whether the suitable septic tank required as a component of the building sewer will satisfy the requirements for an interceptor(s).

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

(C) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(D) The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- (1) Wastewaters discharged peak rate and volume over a specified time period;
- (2) Chemical analyses of wastewaters;
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality;

(4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;

(5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;

(6) Details of wastewater pretreatment facilities; and

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewers.

(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 *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

(F) (1) No statement contained herein shall be construed as preventing any special agreement or arrangement between the town and any user whereby a waste of unusual strength or character may be accepted by the town for treatment.

(2) Any wastes described herein are precluded from such agreements.

(G) Any entity wishing to enter any manhole or other areas of the Spencer sewer system shall obtain a confined space permit by applying on a form provided by the Town of Spencer's Sewer Superintendent. (Ord. 1997-1, passed 1-20-1997)

DISPOSAL AND DISCHARGE

§ 50.025 ON-SITE DISPOSAL SYSTEM.

(A) *Must comply with Board of Health regulations.* The design, construction, installation, location, maintenance and operation of on-site sewage disposal systems shall comply with the provisions of regulations issued by the State Department of Health and the regulations as may be issued by the Owen County Health Department.

(B) *Unlawful to install or alter without a permit.* It shall be unlawful to construct, enlarge, modify, or alter any privy, privy vault, septic tank, cesspool or other on-site facilities intended or used for the disposal of sewage without first obtaining a permit therefore.

(C) *Application for permit.*

(1) The owner shall apply to the Clerk-Treasurer for a permit to construct, enlarge, modify, or alter an on-site disposal system on property owned by him or her.

(2) Upon completion of the application and payment of the required fee, the Clerk-Treasurer will issue a permit to accomplish the work specified therein.

(3) A copy of the permit will be provided for the applicant, a copy will be forwarded to the Owen County Health Department, and a copy retained in the office of the Clerk-Treasurer.

(D) *Permit fees.*

(1) The permit fees for on-site sewage disposal systems shall be:

(a) For construction of new system: \$25; and

(b) For the enlargement, modification or alteration to an existing system: \$25.

(2) No permit or permit fee is required for cleaning an on-site sewage disposal system.

(E) *Inspection.*

(1) The permit holder shall notify the Owen County Health Department when the installation is ready for final inspection and before any underground portions are covered.

(2) After the inspection, the permit holder will be responsible for providing the Clerk-Treasurer with a statement signed by a representative of the Owen County Health Department that the installation is approved and meets the requirements of the State Board of Health and the Owen County Health Department.

(3) Until the Clerk-Treasurer is provided such a statement, it shall be unlawful for the on-site disposal system to be used for sewage disposal purposes.

(F) *Operation and maintenance.*

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

(2) At the time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 50.004 above, a direct connection shall be made to the public sanitary sewer in compliance with this subchapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be permanently closed and abandoned.

(Prior Code, Ch. 21, Art. VI) Penalty, see § 50.999

§ 50.026 UNLAWFUL DISCHARGES OF SEWAGE.

(A) *Discharge of sewage into natural outlet.* The discharge of any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment therefore has been provided in accordance with the provisions of this subchapter into any natural outlet within the town, or in any area under the jurisdiction of the town, is prohibited.

(B) *Deposit of objectionable waste prohibited.* It is prohibited for any person to place, deposit, or permit to be deposited, in any unsanitary manner upon 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.

(Prior Code, Ch. 21, Art. X) Penalty, see § 50.999

§ 50.027 DISCHARGES INTO PUBLIC SEWER SYSTEM.

(A) *Surface and other waters prohibited.*

(1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to the sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent.

(3) Industrial cooling water or unpolluted process waters may be discharged upon approval of the Superintendent to a storm sewer or natural outlet.

(4) Any waters containing toxic substances or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process including, but not limited to, causing the town to violate its N.P.D.E.S. permit(s), constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(5) Any waters or wastes having a pH lower than 6.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(B) *Certain waters and waste materials prohibited.* No person shall discharge or cause to be discharged any of the following described waters or wastes into any sanitary sewer:

(1) Any waters or wastes having a BOD5 daily 40 mg/l by weight or containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage

treatment plant;

(2) Any waters or wastes containing suspended solids of the character and quantity of more than daily 45 mg/l by weight or that unusual attention or expense is required to handle the materials at the sewage disposal plant;

(3) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(4) Any liquid or vapor having a temperature higher than 150°F;

(5) Any water or waste which may contain more than 100 parts per million, by weight of fat, oil, or grease;

(6) Any water or waste which may contain more than 25 parts per million, by weight of soluble oils;

(7) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas;

(8) Any garbage that has not been properly shredded; and

(9) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sanitary sewers or other interference with the proper operation of the Sewage Treatment Plant;

(Prior Code, Ch. 21, Art. XI)

(10) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials;

(11) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent;

(12) Any radioactive wastes or isotopes of such half-life or concentration as may be exceed limits established by the superintendent in compliance with applicable state or federal regulations;

(13) Quantities of flow, concentrations, or both which constitute a "slug", as defined herein;

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

(15) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment process; and

(16) Any water or wastes subject to the categorical pretreatment standards pursuant to 40 C.F.R. part 403 (etc.).

MAINTENANCE

§ 50.040 PUBLIC SEWERS.

(A) The Superintendent is responsible for the maintenance, to include clearing stoppages, of all public sewers. He or she shall have no responsibility for the maintenance or clearance of stoppages of any building sewer from its point of connection to the public sewer to the building it serves.

(B) In the event of individual sewer service disruptions, the presumption shall be that the disruptions are not caused by malfunctions or breakages in the public sewer. It shall be the responsibility of each customer to overcome this presumption by providing evidence to the satisfaction of the Superintendent that the sewer service disruption is the town's responsibility as set out herein.

(C) Upon request, the Superintendent or his or her representative, at his or her discretion, may provide assistance to customers in locating the cause of a sewer service disruption.

(D) In no event shall the town be responsible for expenses incurred by customers in locating service disruptions caused by the use or connection to the public sewer. If the Superintendent determines that the service disruption ~~to~~ resulted from the maintenance or design of the public sewer connections the Town may, in its sole discretion, determine that a credit, partial or full, may be awarded to the customer.
(Prior Code, Ch. 21, Art. VII, § 1)

§ 50.041 BUILDING SEWERS.

The owner or person responsible for a building sewer shall be responsible for the maintenance, including the clearing of stoppages of the building sewers from the point where it is connected to the public sewer to the building it serves.

(Prior Code, Ch. 21, Art. VII, § 2)

CONNECTION OF SEWERS

§ 50.055 PERMIT REQUIRED.

(A) *Unlawful to connect without permit.* No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(B) *Classes of permits.*

(1) There shall be 3 classes of building sewer connection permits:

- (a) Residential;
- (b) Commercial; and
- (c) Industrial.

(2) In either case, the owner or his or her agent shall make application on a special form furnished by the Clerk-Treasurer, Municipal Building, and the permit applications shall be supplemented by any plans, specification or other information considered pertinent in the judgment of the Superintendent.

(C) *Permit and inspection fee.* All permit inspection fees will be payable pursuant to a schedule published annually and modified and amended accordingly by the Town Code.

(Prior Code, Ch. 21, Art. VIII) Penalty, see § 50.999

§ 50.056 BUILDING SEWERS.

(A) *Connection costs borne by owner.* All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner, or the person installing the building sewer for the owner, shall indemnify the town and any loss or damage to any sidewalks, streets, alley or other public property that may directly or indirectly be caused by the installation and connection of the building sewer to the public sewer.

(B) *Separate building sewer required.* A separate and independent building sewer shall be provided for every building; except where 1 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. In such cases, the building sewer from the front building may be extended to the rear building and the whole considered as 1 building sewer.

(C) *Use of old building sewers.* Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this subchapter.

(D) *Location, depth and alignment of building sewer.* Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within 3 feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipes and fittings.

(E) *Drain too low for gravity flow.* In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drains shall be lifted by artificial means and discharged to the building sewer as approved by the Superintendent. No water operated sewage ejector shall be used.

(F) *Excavations for building sewers.*

(1) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with latest ASTM specifications except that no backfill shall be placed until the work has been inspected by the Superintendent.

(2) Chapter 92 of the Town Code will apply to excavations involving streets, alleys, sidewalks or other public property.

(G) *Size and slope of building sewers.* The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than 4 inches. The slope of the 4 inch pipe shall not be less than 1/8 inch per foot.

(H) *General sewer material specifications.* The building sewer shall be cast iron soil pipe, ASA specification or equal; vitrified clay sewer pipe, ASTM specification or equal; or other suitable material approved by the Superintendent.

(1) All joints and connections shall be made gas tight and water tight. Cast iron pipe joints shall be firmly packed with oakum or hemp and secured only with pure molten lead, not less than 1 inch deep. Lead shall be run in 1 pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

(2) All joints in vitrified clay pipe or between the pipe and metals shall be made with approved jointing material in accordance with the latest edition of the *Plumbing Rules and Regulations* issued by

the Administrative Building Council of Indiana.

(3) Other jointing materials and methods may be used only upon approval of the Superintendent.

(I) *Required materials under special conditions.* Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipes with leaded joints may also be required where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.

(J) *Connection to public sewer.* The connection of the building sewer into the public sewer shall be made at the “y” branch if the branch is available at a suitable location. Where the public sewer has no properly located “y” branch available, a neat hole shall be cut in the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A standard flanged saddle shall be used to make the connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. Mastic compound shall be used between the public sewer and flanged saddle and the connection made secure and water tight by encasement in concrete.

(K) *Inspection.* The person to whom the building sewer permit was issued 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.

(Prior Code, Ch. 21, Art. IX)

(L) *Connections.*

(1) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, basement or yard drains, or other sources of surface runoff or groundwater to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer.

(2) Any such connection to a private sewage disposal system which existed prior to the availability of public sewers shall be removed from the building sewer prior to connection with the public sewer.

(M) The connection of the building sewer in to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and State of Indiana, or the procedures set forth in appropriate specifications of the ASTM and the CF Manual or Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing.

Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(N) 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 and testing shall be made under the supervision of the Superintendent or his or her representative. The applicant shall provide access to all structures (and areas of structures) to the Superintendent for the purpose of establishing compliance herewith.

(O) All excavations for building sewer installation 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 Superintendents of Streets and Sewer.

(Ord. 1997-1, passed 1-20-1997)

§ 50.057 DAMAGES TO PUBLIC SEWERS.

No persons(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct, criminal mischief and theft.

(Ord. 1997-1, passed 1-20-1997)

INDUSTRIAL WASTE

§ 50.070 SAMPLING AND MEASUREMENT.

(A) *Manhole required.* When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole shall be accessible 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 by him or her so as to be safe and accessible at all times.

(B) *Testing industrial waste.* All measurements, tests and analysis of the characteristics of water and wastes shall be determined from samples taken at the control manhole in accordance with *Standard Methods for the Examination of Water and Sewage*. 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.

(Prior Code, Ch. 21, Art. XIV)

§ 50.071 SPECIAL AGREEMENTS.

No statement contained in this subchapter shall be construed as preventing any special agreement or an arrangement between the town and any industrial or commercial concern whereby an industrial waste of unusual strength, quantity or character may be accepted by the industrial or commercial concern.

(Prior Code, Ch. 21, Art. XV)

§ 50.072 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

(B) (1) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(2) The industry may withhold information considered confidential.

(3) The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to herein, 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 herein.

(D) (1) 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 wastewater facilities lying within

said easement.

(2) All entry and subsequent work, if any on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 1997-1, passed 1-20-1997)

RATES, CHARGES AND FEES

§ 50.085 AUTHORITY OF TOWN COUNCIL.

The Town Council has the responsibility and authority to establish and to adjust, when necessary, the rates and charges made for sewage services on a just and equitable basis to insure the financial solvency of the sewage disposal system and for the payment of all bonded indebtedness. The rates and charges for sewage services shall not only be based upon the type of user and quantity of sewage discharged into the sewage system but also on the type, strength and character of the sewage and waste the sewage system is required to treat and dispose of. The Town Council also has the responsibility, right and authority to test and determine the type, strength and character of sewage in such manner and method as it may find practicable.

(Prior Code, Ch. 21, Art. XVII, § 1)

§ 50.086 WATER CONSUMPTION.

Applies to all sewer customers in or out of the town limits.

(A) *Determination of water used.*

(1) Customers of the sewer system who are customers of the Bean Blossom Patricksburg Water Corporation (BB & P) have water meters and the town will get the usage from BB & P each month. If a sewer customer uses well water, or any other source of water that is not now metered, the customer must install an acceptable water meter (that measures gallons of water consumed) at his or her own expense.

(2) The town shall obtain a monthly meter readout from BB & P that shows gallons of water consumed.

(3) Customers that have their own meter installed will have their meter read by the Town of Spencer Sewer Department personnel.

(B) *Meter readings.* The customer shall have their meter read by Spencer Sewer Department personnel as of the first day of each month and report the reading for the month by day 5 of that month.

(Prior Code, Ch. 21, Art. XVII, § 2)

§ 50.087 MONTHLY SEWAGE RATES WITHIN AND OUTSIDE TOWN LIMITS.

(A) Each user shall pay a monthly base charge of:

<i>Meter Size</i>	<i>Billing And Collection</i>	<i>Debt Service</i>	<i>Total Monthly Base Charge</i>
5/8 - 3/4 inch meter	\$9.36	\$13.15	\$22.51
1 inch meter	\$9.36	\$35.58	\$42.94
1-1/2 inch meter	\$9.36	\$75.51	\$84.87
2 inch meter	\$9.36	\$134.14	\$143.50
3 inch meter	\$9.36	\$301.68	\$311.04
4 inch meter	\$9.36	\$536.25	\$545.61
6 inch meter	\$9.36	\$1206.59	\$1215.95

(B) A user charge rate for operation and maintenance including replacement of \$8.34 per 1,000 gallons of water calculated as follows:

	<i>Collection System Maintenance</i>	<i>Treatment User Charge</i>	<i>Treatment Debt Service</i>	<i>Total User Charge Rate</i>
Per 1,000 gallons of water	\$2.86	\$4.84	\$2.85	\$10.55

(Prior Code, Ch. 21, Art. XVII, §§ 3 and 4) (Am. Ord. 2007-1, passed 3-5-2007; Am. Ord. 2023-05, passed 4-3-2023)

§ 50.088 MULTIPLE WATER METERS AND SINGLE WATER METER.

Customers serviced by more than 1 water meter will be issued separate bills for each meter.

(Prior Code, Ch. 21, Art. XVII, § 7)

§ 50.089 ADJUSTMENT; SEWER BILL AND SWIMMING POOL.

(A) Adjustment of sewer bill.

(1) Whenever any customer of the Town's sewer works has a leak or other damage to its water system which results in an extraordinary sewer bill, and where evidence can be found that the water used did not enter the Town's sewer system, that customer may make a written application for adjustment of the customer's sewer bill on forms provided by the Town of Spencer.

(2) All requests for sewer bill adjustment of this nature must be made within 30 days of the date of the extraordinary billing or within 45 days after the discovery of the extraordinary billing (in the sole discretion of the Town Board). Each customer shall be entitled to one adjustment per 12 month cycle.

(3) The Town of Spencer Sewer Department will inspect the property after application and determine the nature and cause of the high water usage.

(4) The Town Sewer Clerk will determine the average usage based up to a 12 month cycle of that location. The billing may be adjusted by the Town Board by abating that portion of the sewer bill that exceeds the average usage as described herein.

(5) Where there is any evidence of multiple causes or the amount of water not entering the sewer system cannot be determined with precision for any reason, the Town Board may choose to abate the amount of the billing in any amount that it deems appropriate in its sole discretion.

(6) All decisions of the Town Board are final and no appeal is available.

(B) Sewer fee adjustment for swimming pools. A customer of the Spencer Sewer System will be allowed a credit or no charge for the amount of water the customer uses to fill a swimming pool upon the following terms and conditions:

(1) The customer shall notify the Sewer Department of the customer's intent to fill a swimming pool by completing an application for a fee adjustment and submit the application to the Spencer Sewer Department for approval or rejection. The application shall be prepared by the Sewer Department and shall be available upon the effective date of this subchapter. The customer shall supply all information as requested on the application and shall comply with all the terms and conditions of the application. The customer shall date and sign the application under oath or verification. Application must be filed by August 15 unless the customer is requesting a first time fill.

(2) The customer shall record the water meter reading prior to the filling of the swimming pool and the water meter reading after the swimming pool is filled. The difference between these 2

readings shall be the amount of water used (the readings shall be in gallons of water used) to fill the swimming pool. The customer shall file these readings on the application noted in division (B)(1) above.

(3) The customer's sewer bill may include a fee for the amount of water used to fill the swimming pool, however, upon approval of the Spencer Town Council, the amounts will be adjusted on your next months billing.

(4) The customer shall pay the minimum monthly service charge regardless of any credit for water used to fill a swimming pool.

(5) This credit for swimming pools shall be available to the customer only during the months of May, June and July of any calendar year. Unless the customer is requesting a first time fill, then the pool can be filled at any time during the calendar year.

(6) A customer shall be entitled to only 1 credit per swimming pool per parcel of land that is serviced by the Municipal Sewer System under this section in any calendar year.

(7) The discharge of the water from the swimming pool shall not be discharged into the Municipal Sewer System.

(8) Applications for adjustment of the sewer bill for swimming pool fills will be the sum of \$10.00.

(C) *High Volume Commercial Users/Deduct Meter.*

(1) Any commercial customer of the Town of Spencer Sewer Department who has substantial sewer bills which arise in part from water usage that does not enter the Town's sewer system may make written application, on the forms provided by the Town of Spencer, to install what is commonly known as a "deduct meter". The deduction for water that does not flow through the Town sewer system will be calculated at 85% of the amount shown on the deduct meter.

(2) The property owner is responsible for the meter and installation and will be required to obtain the appropriate plumbers permits and required to provide the plumbers licensed certifications and installation diagrams prior to the installation of the sewer deduct meter.

(3) The application for credit for water measured by a deduct meter will begin only after the required documentation has been submitted and the Town has approved the installation.

(4) The deduct meter will be read monthly, and the meter will be equipped with a functioning outside remote reader. No estimated readings will be used.

(5) No deduct meter location changes or meter replacements will be allowed without prior approval of the Town. The deduct meter must meet the following town specifications:

- a. Neptune Model T-1 proread wired with outside touchpad. Registration in cubic feet.
- b. Meter shall be installed level and parallel to the floor.
- c. Meters shall be installed using couplings.
- d. Meter shall be installed so that it is easily accessible for future inspections. The meter is to be installed at least 12” above the floor and 18” below the bottom of floor joists.
- e. If so determined by the plumbing inspector, a backflow prevention device must be installed.
- f. The touchpad is to be installed by the plumbing contractor on the outside near the front corner of the house.

(6) The meter is to be installed on the downstream side of the water meter as close to the outside use connections (hose bibs, sprinkler control valve, etc) as practical. There can be no sewer serviced plumbing fixture connections downstream of the deduct meter. Meter must be able to be read day or night.

(7)The cost of the application fee for a deduct meter is the sum of \$100.00 payable to the Town of Spencer at the time of application. There shall be an annual service charge of \$75.00 billed on or about July 1 in each subsequent year, regardless of the month of installation. No rebate is afforded for partial annual user.

(8)In the event of any malfunction of the meter and/or its appurtenances become damaged, including any damage that may result from allowing the meter to become frozen, shall be responsibility of the property owner.

(D) *High Volume Commercial Users/Outflow Meter.*

(1) High Volume Commercial Users may have an “outflow meter” installed at the discretion of the Spencer Town Board and the Sewer Department Superintendent.

(E) *Physical Trauma Caused by Third Parties.*

(1) Any customer of the Town of Spencer Sewer Department may make written application on forms provided by the Town of Spencer for deduction or adjustment of the sewer bill incurred arising from a physical trauma to the water system at the residence or location of the property owner. To the extent that the Town of Spencer would reduce the bills associated with such causes, the property owner will be required to make assignment of any insurance proceeds or benefits to which the property owner would be entitled from third persons.

(Prior Code, Ch. 21, Art. XVII, §§ 9 and 10) (Am. Ord. 2010-3, passed 4-5-2010) (Am. Res. 2010-7, 11-15-2010)

§ 50.090 BILLING AND COLLECTION.

(A) The owners of property and/or customers served by the Town Sewer System shall be billed monthly at the rate applicable to them.

(B) All charges shall be due and payable on or before the tenth day of the succeeding month. If the charges are not paid on or before day 10 of the month in which they are payable, a collection charge shall be added amounting to 10% of the gross bill.

(C) Other delinquent accounts will be collected in the manner prescribed by the Indiana Code.

(D) All owners of property and/or customers served by the Town Sewer System shall pay a deposit upon connect to sewer services as set forth below:

(1) *Renters.* The Spencer Town Council hereby establishes a requirement for a deposit of \$100 for each account that a customer establishes for sewer services. This deposit is held until the account is closed and paid in full. The deposit will not be applied to delinquent payments unless the account is closed.

(2) *Homeowner.* The Spencer Town Council hereby establishes a requirement or a deposit of \$100 for each account that a customer establishes for sewer services. This deposit is held until the account is closed and paid in full or until the account holder maintains an excellent payment history (no late fees or disconnect notices) for a period of 12 months, whichever comes first. The deposit will not be applied to delinquent payments unless the account is closed.

(Prior Code, Ch. 21, Art. XIX)

§ 50.091 WASTE HAULER- CHARGES.

(A) Waste shall only be accepted for treatment by the utility if the treatment processes and final effluent are not adversely affected. All haulers shall provide the utility with the names and addresses of the users whose waste is brought for treatment.

(B) The following types of waste may be accepted for treatment by the Town utilities:

(1) Domestic Septage. Domestic septage refers to the waste contained in, or removed from, septic tanks or holding tanks which serve residential homes or other sources which generate only food based waste. Each truckload delivered will be assumed to be a full load unless proven otherwise by the hauler.

(C) Permit and Permit Fees.

(1) A State of Indiana licensed waste hauler requesting authorization to dispose of septage waste shall fill out a permit for such services annually. Each permit will be reviewed by the Town of Spencer Wastewater Treatment Facility Superintendent and approved or denied by the Spencer Town Board.

(2) The fee for such permit shall be the sum of Fifty Dollars (\$50.00).

(D) Licensed Waste Hauler and fees.

(1) Any State of Indiana licensed waste hauler may purchase pre-paid tickets from the Spencer Town Clerk Treasurer which authorizes that hauler to dispose of domestic septage.

(2) The ticket will indicate the proposed amount of septage to be disposed and treated and the names and addresses of the property owners from which the septic waste was removed. The ticket must be presented to the staff at the Wastewater Treatment Facility prior to any disposal or treatment of domestic septage.

(3) The Fee for each ticket allowing the disposal of domestic septage shall be a minimum of Thirty Dollars (\$30.00) per Five Hundred (500) gallons of septage to be treated and disposed. For each additional One Hundred (100) Gallons to be treated and disposed an additional fee of Five Dollars (\$5.00) shall be charged per ticket. The fees for the treatment and disposal of domestic septage shall be charged to the waste hauler who transports the waste to the treatment facility for disposal.

(Ord. 2016-10, passed 10/3/2016)”

§ 50.100 PURPOSE

This subchapter sets forth policies, procedures, and minimum standards for construction and maintenance of sewer utilities which may be presented to the Town for dedication as a public road or sought for dedication as a public road by the Town.

(Ord. 2023-02, passed 2-21-2023)

§ 50.101 DEDICATION OF SEWER UTILITY

No sewer utilities will be considered for maintenance by the Town of Spencer unless the utility and its necessary appurtenances are dedicated to the Town. If maintenance is being requested for a line, piece of equipment, or other appurtenance, which is not dedicated, the initial step in acquiring periodic maintenance shall be the dedication of the sewer utility to the Town.

(Ord. 2023-02, passed 2-21-2023)

§ 50.102 PROCEDURE

(A) An offer or request for the dedication of the sewer utility an Offer of Dedication Application, Letter of Authorization (if applicable) and an administrative fee of \$500.00. Examples may be obtained from the Town Clerk/Treasurer.

(B) Upon receipt of an offer or request, the Town Sewer Department Superintendent shall determine if the utility, its lines, equipment and other appurtenances meet the minimum standards for the Town and, if applicable, identify any required actions to bring the utility up to acceptable standards.

(C) Sewer Utilities must be dedicated to the Town through an instrument clearly identifying the lines, equipment, appurtenances and devices sought for dedication and the instrument must be approved by the Town Council and acceptable to the Town Attorney. In addition, the owner must present a description of the permanent utility easement to be dedicated to the Town of Spencer. The legal survey must be prepared by a prepared by a registered land surveyor, meeting minimum standards for land surveying in Indiana.

(D) The Town of Spencer Sewer Department Superintendent shall review the proposed dedication provide a written analysis of the impact together with related concerns of the department. All written reports and comments will be available for public viewing and provided to the Petitioner. Upon substantial completion by the owner(s) of the conditions addressed by the Town, if any, the Town Manager shall submit the petition along with all department reports and comments to the Town Council for final determination.

(E) Considerations to be used in determining whether an acceptance of dedication are:

- (1) Compliance with the general design and develop standards outlined in this Chapter and/or Chapter 153;
- (2) Number of occupied dwellings affected; and
- (3) Any costs likely to be incurred by the Town

(Ord. 2023-02, passed 2-21-2023)

§ 50.103 MAINTENANCE ACCEPTANCE

Acceptance of dedication is reserved for the Council who has the option to accept the dedication, to not accept the dedication, or to accept the dedication contingent upon the sewer utility being constructed in conformance with Town standards and specifications and this chapter.

(Ord. 2023-02, passed 2-21-2023)

§ 50.104 ROAD EXCLUSIONS

Utilities within subdivisions, which are not dedicated to public use by disclosure on the plat and approved by the Town Council, will not be accepted by the Town for maintenance. The responsibility for maintenance of sewer utilities is with the developer, owner, or the purchasers. Temporary, courtesy or emergency maintenance by the Town does not constitute an implied acceptance of maintenance by the Town.

(Ord. 2023-02, passed 2-21-2023)

§ 50.999 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *For not installing a water meter.* Any person who uses or continues to use the Sewer System and does not have his or her water usage metered after March 31, 1989 (90 days after the effective date of this subchapter), shall be in violation of this chapter and shall be fined \$10 for each violation. Each day a violation exists shall be considered a separate offense. Any person in violation shall pay the monthly sewer rate applicable to that customer in addition to any fines or penalties that apply.

(Prior Code, Ch. 21, Art. XVII, § 8)

(C) (1) *Tampering.* No person shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Spencer Sewer System. Any person who violates this provision shall be subject to immediate arrest under the charge of disorderly conduct.

(2) *Responsibility of owner.* It is the responsibility of each property owner or other person responsible for payment of sewage service charges to promptly advise the town of any changes in the use of a residence, building or lot, or in the number of employees, or in any other activity upon which sewage services are based which would affect the sewage service charges for that residence, building, lot, business or governmental activity. Failure to report promptly will result in a determination by the Town Council as to when the violation occurred, the total amount of sewage charges due and payable, plus a collection charge of 10% of the gross bill.

(3) *Violations.* Any person found to be violating any provision of this chapter, except division (C) above, and the specific penalty provided for under division (A) above, (the specific penalties under these portions of this chapter shall apply at all times and shall be in addition to any other penalties provided for in this chapter or other provisions of the Town Code) shall be served by the town with written notice stating the nature of the violation and providing for a reasonable time limit for the satisfactory correction of it. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(4) *Fines.* Any person who shall continue any violation beyond the time limit provided for in division (C)(3) above, shall be guilty of an ordinance violation and shall be subject to a fine of \$25 for each violation. Each day in which any violation continues or exists shall be deemed a separate offense.

(5) *Liability.* Any person who violates any provisions of this chapter shall become liable to the town for any expense, loss, or damage by reason of the violation including reasonable attorney fees incurred by the town for collection of the account.

(Prior Code, Ch. 21, Art. XVIII)

CHAPTER 51: GARBAGE AND TRASH; LEAVES, TREES AND BRUSH REMOVAL

Section

51.01 Definitions

GARBAGE AND TRASH

51.10 Disposal of garbage and trash

LEAVES, TREES, AND BRUSH REMOVAL

51.20 General Regulations

51.21 Leaf Removal

51.22 Brush Removal

51.23 Storm Damage Brush Removal

51.24 Christmas Tree Removal

VIOLATIONS

51.98 Notice of Violation

51.99 Penalties for Violation; Fines and Fees

§ 51.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

BRUSH. Hedge, shrub, bush or tree trimmings, limbs or sticks from trees, whether dead or alive, and other organic matter normally associated with garden maintenance.

CONSTRUCTION MATERIALS. Materials used in the construction of buildings, roads, and other infrastructure. Common construction materials include, but are not limited to, wood, concrete, siding, roofing materials, steel, and asphalt.

SEVERE STORM means a storm resulting in heavy rain, strong winds, and often hail, thunder and lightning.

TRASH or GARBAGE.

- (A) something worth little or nothing: such as things that are no longer useful or wanted and that have been thrown away
- (B) food waste
- (C) discarded or useless material

GARBAGE AND TRASH

§ 51.10 DISPOSAL OF GARBAGE AND TRASH.

(A) *Responsibility.* Each owner, occupant or other responsible person who uses or occupies any building or premises within the town:

(1) Shall provide and keep covered an adequate number of garbage containers;

(2) Shall convey, or have conveyed all garbage, trash, or like matter, to a lawful disposal site, on a regular basis, at least every 2 weeks; and

(3) Shall not place garbage, trash, or like matter, on any public street.

(B) *Garbage collection vehicles.* Collection vehicles shall not leak or scatter any liquid or solid matter on the streets or alleys.

(Prior Code, Ch. 22, Art. XII, (Am Ord 2022-___, passed ___/____))

LEAVES, TREE, AND BRUSH REMOVAL

§ 51.20 GENERAL REGULATIONS.

(A) In order to assist residents and to encourage good property maintenance, the Town of Spencer, will offer brush and leaf removal services to residents within the corporate limits of the Town. These services are intended to assist residents in disposing of SMALL amounts of branches or severe weather damage.

(B) The Town of Spencer Street Department reserves the right to refuse pick up of any brush, leaves, or debris from storm damage debris.

(Ord. 2022-14, passed 8-15-2022)

§ 51.21 LEAF REMOVAL

(A) The Town of Spencer Street Department will provide leaf removal for residents within the corporate boundaries of the Town of Spencer from October 15 to December 1 or until weather conditions prohibit this service.

(B) Leaf Piles:

(1) Residents should rake leaves into piles between the sidewalk and curb, and NOT on the sidewalks, storm drains, or in any area that would impede the flow of traffic, whether foot traffic or vehicular traffic

- (2) Leaf piles should not be contaminated with grass clippings, garbage, trash, or any other non-organic materials, including pet waste.
- (3) Residents shall not park cars near leaf piles as it creates a fire hazard and does not allow the Street Department to safely remove piles without threat of liability or damage to the nearby vehicles.
- (4) Leaf piles are to be no closer than ten (10) feet from any storm drain and residents should make a conscious effort to remove any leaves, debris, or obstructions from the storm drains.

(Ord. 2022-14, passed 8-15-2022)

§ 51.22 BRUSH REMOVAL

(A) The Town of Spencer Street Department will provide for brush removal for residents within the corporate boundaries of the Town of Spencer pursuant to the following rules and regulations:

- (1) No resident of the Town of Spencer shall maintain or keep brush piles which exceed six (6) feet long, four (4) feet wide, and four (4) feet high on their property for a period in excess of thirty (30) days.
- (2) All brush piles for Town of Spencer Street Department removal shall be placed neatly, near the curb, but not on the sidewalks, storm drains, or in any area that would impede the flow of traffic, whether foot traffic or vehicular traffic.
- (3) Brush piles shall not contain leaves. Residents should keep brush and leaves separate.
- (4) Brush piles must contain brush only and shall not contain any other foreign objects, construction materials, or dirt.
- (5) Residents who hire a commercial service or contractor for the removal or trimming of any trees, shrubs, or hedges shall make sure the contractor removes all debris from the site. The Town of Spencer will not pick up tree, shrub, or hedge trimmings that are a result of a hired service for removal or trimming.

(Ord. 2022-14, passed 8-15-2022)

§ 51.23 STORM DAMAGE REMOVAL

The Town of Spencer Street Department will provide for brush removal for residents within the corporate boundaries of the Town of Spencer which occur as a result of severe storm damage. This service will be provided for a period of thirty (30) days after the occurrence of any severe storm as is subject to the same rules and regulations defined in §51.22.

(Ord. 2022-14, passed 8-15-2022)

§ 51.24 CHRISTMAS TREE REMOVAL

The Town of Spencer Street Department will provide for Christmas tree removal for residents within the corporate boundaries of the Town of Spencer during the month of January of each year. Residents shall place their discarded live Christmas trees (no artificial trees) between the curb and sidewalk and NOT on the sidewalks, storm drains, or in any area that would impede the flow of traffic, whether foot traffic or vehicular traffic.

(Ord. 2022-14, passed 8-15-2022)

VIOLATIONS

§ 51.98 NOTICE OF VIOLATION

(A) Notice of a violation of this chapter may be served by the Town of Spencer Street Superintendent, his employees, agents, or assigns or the Town of Spencer Town Marshal, his deputies, agents, or assigns in the following manner:

- (1) Physically posting to the dwelling in violation of Code by affixing a notice of the violation to the dwelling's entryway;
- (2) Delivery by personal service to the violator. If the violator is not the owner of the real estate, then the owner must be notified also.

(3) Delivery by certified mail to the violator at the last known address of record. If the violator is not the owner of the real estate, then the owner must be notified also.

(B) The notice must specify the time frame for remedy of the violation and the fine for violation if not corrected.

(Ord. 2022-14, passed 8-15-2022)

§ 51.99 PENALTIES FOR VIOLATION; FINES AND FEES

- (A) A violation of the provisions of §51.10 shall be considered a public nuisance and subject to the provisions of Title IX: General Regulations, Chapter 93: Nuisances of the Spencer Town Code.
- (B) If, after the time frame specified in the notice of violation issued under §51.98 has expired, the violation has not been corrected then the owner is subject to a fine of \$25, each day the violation continues shall be considered a separate offense.
- (C) After the expiration of the time frame specified in the notice of violation issued under §51.98 and the violation has not been corrected, then the Spencer Street Department may either enter upon the site to remedy the violation and bill the occupant and/or owner for the costs incurred.
- (D) The Town of Spencer may file a complaint in the court of competent jurisdiction for mandatory and injunctive relief in the enforcement of and to secure compliance with this chapter. Any action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter. The occupant and/or owner will be subject to expenses incurred for enforcement of the provisions of the Chapter, including, but not limited to, court costs and attorney fees.
- (E) The occupant and owner shall be notified, in writing, of any fines, costs, or expenses incurred on behalf of the Town of Spencer under the provisions subsection (C) and the occupant and/or owner shall have ten (10) days from the date on the notice to pay the amounts due and owing. If after the ten (10) days, the amounts due and owing have not been satisfied then the Town of Spencer may file a certified copy of the statement of costs with the County Auditor and the Auditor shall place the amount claimed on the tax duplicate against the lands of the owner. The amounts shall be collected as taxes are collected and when collected shall be disbursed to the fund incurring the expense.

(Ord. 2022-14, passed 8-15-20202)