

**CITY OF MARION, INDIANA
MARION UTILITY SERVICE BOARD
WASTEWATER RULES AND REGULATIONS**

A. Definitions

For the purpose of this Code section, the following words and phrases shall have the meanings respectively ascribed to them below:

(1) **BIOCHEMICAL OXYGEN DEMAND OR BOD** - The quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at twenty degrees (20⁰) Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods.”

(2) **BOARD** - means the City Utility Service Board or any duly authorized officials acting on its behalf.

(3) **BUILDING OR HOUSE DRAIN** - That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately three (3) feet outside the foundation wall of the building.

(4) **BUILDING OR HOUSE SEWER** - The pipe which is connected to the building or house drain at a point approximately three (3) feet outside the foundation wall of the building and which conveys the building’s discharge from that point to the public sewer or other place of disposal.

(5) **CHEMICAL OXYGEN DEMAND OR COD** - A measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in “Standard Methods.”

(6) **EFFLUENT** - The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

(7) GARBAGE - Any solid wastes from the preparation, cooking or a dispensing of food and from the handling, storage or sale of produce.

(8) GROUND GARBAGE - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half (1/2) inch in dimension.

(9) INDUSTRIAL WASTES - Any solid, liquid or gaseous substance or form of emergency discharged, permitted to flow or escaping an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person.

(10) INFLUENT - The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

(11) OUTLET - Any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.

(12) pH - The logarithm, to the base 10, of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.

(13) RECEIVING STREAM - The water course, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

(14) RESIDENTIAL PROPERTY UNIT - A building under one (1) room designed, arranged and used primarily for dwelling purposes by a single family.

(15) SANITARY SEWAGE - Sewage discharged from the sanitary convenience of dwellings, including apartment houses and hotels, office buildings, factories or institutions and free from storm water, surface water and industrial wastes.

(16) SERVICE CHARGE - The basic assessment, based on water usage, levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above which a strength-of-wastes surcharge will be made.

(17) SEWAGE - The water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

(18) SEWAGE TREATMENT PLANT OR WATER POLLUTION CONTROL PLANT -

The arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

(19) SEWAGE UTILITY OR WATER POLLUTION CONTROL UTILITY - All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and the sewage treatment plant.

(20) SEWER - A pipe or conduit for carrying sewage or other waste liquids.

(21) SEWER, COMBINED - A sewer which carries both storm, surface and ground-water runoff and sewage.

(22) SEWER, PUBLIC - A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

(23) SEWER, SANITARY - A sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.

(24) SEWER, STORM - A sewer which carries storm, surface and ground water drainage but excludes sewage.

(25) SEWERAGE SYSTEM - The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the sewage treatment plant.

(26) STANDARD METHODS - The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(27) SUPERINTENDENT - The superintendent of the sewage treatment plant or water pollution control plant of the city or his or her duly authorized representative.

(28) SURCHARGE - A charge for sewerage services in addition to the basic service charge.

(29) SURCHARGE, STRENGTH-OF-WASTES - The extra charges for sewerage service assessed customers who sewage is of such a nature that it imposes upon the sewage utility a burden greater than that covered by the basic service charge.

(30) SUSPENDED SOLIDS - Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in "Standard Methods."

(31) UTILITY - The City Water and Wastewater utility owned by the City, operated and managed by the City Utility Service Board and engaged in furnishing public water supply and wastewater service in the City and its environs.

(32) UTILITY ENGINEER - The chief City sewer engineer or his or her duly authorized representative; the term shall be equivalent to the expression "water pollution control engineer."

(33) WATERCOURSE - A channel in which a flow of water occurs either continuously or intermittently.

B. Rules and Regulations on File

A copy of all rules and regulations under which wastewater service shall be rendered is filed for public inspection in the Utility general office. These items are incorporated by reference into this Code section in accordance with Indiana Code 36-1-5, with two (2) copies being on file in the Office of the City Clerk and available for public inspection.

C. Authority of Utility Service Board

The City Utility Service Board shall, in accordance with the State law, make and enforce whatever bylaws, rules and regulations it deems necessary for the safe, economical and

efficient management of the wastewater utility, for the construction and use of building sewers and connections to the sewerage system including storm water and surface drainage, for the regulation, collection and refunding of the rates and charges for wastewater service and for the extension or replacement of sewer mains.

D. Connections to Public Sewers

No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until that person has satisfied his or her obligation to pay all assessments, reimbursements or pro rata shares of sewer extension costs laid against the property for public sewers installed to serve it.

Tap permits shall be obtained from the Utility Engineering department and shall be issued only to licensed sewer tap contractors. After making each sewer tap and building sewer installation, the tap contractor shall notify the Utility Engineering department at least three (3) hours in advance so that the tap and building sewer can be inspected and approved before the excavation is backfilled.

All sewer permits shall be valid for one (1) year after date of issue shown on the permit. If work is not completed in this year, it shall be necessary to secure a new permit.

Any tap or building sewer installation not made in accordance with the foregoing provisions shall be deemed an illegal installation and upon discovery, shall be promptly disconnected until the provisions of this Code section have been complied with.

E. Downspouts, Yard Drains and Storm Water

The Utility may require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff from natural precipitation. Property owners shall have thirty (30) days' notice to comply with any such requirements.

F. Determination of Charges

The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the Utility sewer system or otherwise discharging sewage into that system either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meters or meters in use by the water utility except as provided in this Code section

Where the property obtains any part or all of the water used from sources other than the City Water Utility, the owner or the tenant may be required by the Utility to install and maintain at his or her own expense a meter or meters acceptable to the Utility for the purpose of measuring the quantity of water obtained from these other sources or the Utility may determine the quantity of that water by whatever means and methods it may find practicable.

The Utility may require an owner, tenant or business to install and maintain at his or her expense an approved device to directly measure the quantity of waste discharged to the sewerage system if these quantities cannot otherwise be determined from the metered water consumption records. The Utility shall inspect and approve that installation and no such metering device, once installed, shall be removed without the approval of the Utility.

G. Billing of Service Charges

Charges for sewer service shall be prepared and billed by the Utility office along with the bills for water service and shall be payable at the office at the same time as the water bills. Residential service shall be billed quarterly and industrial service monthly.

H. Liability for Payment

The charges for sewer service shall be billed to the person receiving that service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability if required payments are not made by the

tenant. That owner shall have the right to examine the Utility's collection records during regular business hours to ascertain whether those charges have been paid.

I. Delinquent Accounts

Charges for sewer service shall be due and payable on or before the dates shown on the bills. Any sewer service charge not paid by the date, approximately fifteen (15) days after the bill is rendered, shall be considered delinquent. A delinquent charge together with any applied penalty shall be collectible as set forth below:

(1) Collection-By Shutting Off Water Service

Where the property having a delinquent sewer account is served by the water utility, the Utility may, after mailing a written notice at least ten (10) days in advance to the water customer and to the property owner, shut off water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of turning water service off and back on have been paid.

(2) Collection-Through Tax Duplicate

As provided by State law, delinquent sewer service charges may be made a lien against the property served through certification to the County Auditor and County Recorder. In that case, the delinquent service charges, together with a mandatory penalty of ten (10) per cent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

J. Collection - Through Court Actions

In addition to the foregoing remedies, the Utility may bring a civil action to recover any delinquent charges together with a penalty of ten (10) per cent and a reasonable attorney's fee.

K. City Subject to Rates and Charges

The City shall be subject to the same rates and charges herein established for other persons.

L. Obstructing or Damaging Sewers

If a public sewer becomes obstructed or damaged through discharge of prohibited materials, the person responsible for that discharge shall be billed and shall pay for the expenses incurred by the Utility in cleaning out, repairing or rebuilding the sewer.

M. Grease and Sand Traps

When the Utility Engineering department determines that interceptors or traps are needed to protect the sewer system or the operations of the wastewater plant from grease, oil, sand or similar substances occurring in a customer's discharge, then such traps shall be installed by the customer on his or her own lines at his or her own expense and shall be maintained by him or her so that none of such substances can be carried over into the public sewers. All traps shall meet the Utility standards as to construction, location and installation.

N. Connection To Public Sewer Required

Every City property holder shall connect to the City sewerage system when a sanitary or combined sewer is in a street, alley or easement abutting the property. A connection shall be made to the public sewer within ninety (90) days after that sewer is available.

Any and all septic tanks or private sewerage systems of any kind existing in or on premises where a public sewer is available shall be discontinued, emptied of its contents, cleaned out and filled with earth or stone, and the house sewer shall be disconnected from the private sewerage system and be connected to the public sewer.

No owner or lessee of any lot or parcel of land within the City shall place, deposit, or permit to be deposited, any human excrement, garbage, or any other organic waste upon the premises so that it is exposed to flies, rodents, domestic animals, or endangers a water supply.

O. Building or House Sewers

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance of it without first obtaining a written permit from the Utility Engineering department.

(2) 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 Utility for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) 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 where no private sewer is available or can be constructed to the rear building through an adjoining alley, court or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(4) A building sewer shall not cross the property of another private owner unless that private owner has granted an easement for that building sewer which is duly recorded in the office of the County Recorder.

(5) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test, to meet the current code requirements for building sewers.

(6) The size, slope, alignment, materials of construction, methods of excavation, placing pipe, jointing methods, testing and backfilling of the building sewer shall conform to the applicable rules and regulations of the Utility engineering department or the State.

(7) In all buildings in which any building drain is too low to permit gravity flow into the public sewer, sanitary sewage carried by that building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the applicable rules of the Utility engineering department. All such connections shall be made gas and water tight.

(10) After making each building sewer installation, the contractor shall notify the Utility Engineering department so that the tap and building sewer installation can be inspected and approved before the excavation is backfilled.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property shall be restored in a manner satisfactory to the City Engineer.

P. Connection of Building Sewer to Sewer Main

The building sewer shall generally enter the sewer main or lateral by way of an existing wye or tee. If there is no wye or tee, the connection to the sewer main or lateral shall be made by one of the methods indicated below. If another method is desired, a detail shall be submitted for review and approval by the Utility Engineer before the connection is made. Indiscriminate breaking of the sewer main pipe shall not be permitted.

(1) Installation of a manhole.

(2) Circular saw-cut of sewer main by proper tools such as a “Shewer Tap” machine, and proper installation of hub wye saddle or hub tee saddle, in accordance with the manufacturers specifications.

(3) Remove an entire section of pipe and replace with a wye or tee branch section. Pipe section shall be removed by breaking only the top of one bell. After the wye or tee branch is inserted, concrete shall be placed over the broken area to a minimum thickness of four (4) inches and a minimum dimension of eight (8) inches in all directions.

(4) Using a pipe cutter, neatly and accurately cut out the desired length of pipe for insertion of proper fitting. Use “Band Seal” couplings or similar couplings with stainless steel shear rings and clamps to fasten the inserted fitting and hold it firmly in place. Follow the manufacturer’s recommendations for installation.

Connection of the building sewer to the wye or tee shall be made with a flexible type water-tight connection. Acceptable connections are Clow Corporation’s Band Seal Rubber Ring Adaptors, Band Seal couplings or approved equal.

Q. Sewer Extension

All new developments, subdivisions, apartment complexes, shopping centers, hotels, restaurants, or any other commercial or industrial development shall include adequate sanitary and storm sewer systems.

If adequate public sewers do not exist, then the developer shall extend or cause to be extended adequate public sewers. Plans for any public sanitary sewer extension must be approved by the Utility Engineering department. All extensions shall be designed and constructed in accordance with the current requirements of the Utility Engineering department and the State Board of Health.

Any sewer extensions accomplished without prior review and approval of the Utility Engineering department and inspection during construction shall be deemed an illegal extension and upon discovery, shall be promptly disconnected from the Utility’s sewerage system.

R. Sewer Main Extension Policy

If any person desiring service from the City Utility requires a sewer main extension, that person shall pay for the cost of the extension. The purpose of this policy is to place the cost of the installation of local sewer mains upon the owners of the properties benefitted.

Large main, interceptors and relief sewers shall be paid for by the Utility providing funds are available. For the purposes of this Code section, a local sewer means one which by its size and character, is designed and intended to supply sanitary sewer service with adequate capacity for peak flows, only for properties abutting the street, alley, easement or other public land in which the sewer is laid but which is not designed and intended to serve collateral sewers necessary for non-abutting properties.

This extension policy shall be applied as set forth below:

(1) Free Extensions

The Utility shall, upon written request for service from a prospective customer or a group of prospective customers located in the same neighborhood, make free of charge an extension necessary to give service to the petitioning prospective customers when the total estimated revenue for a period of six (6) years, from the prospective customer or customers is approximately equal to the cost of the extension if, in the judgment of the Utility, the prospects are that the patronage or demand for sewer service shall be of such permanency as to warrant the expenditure involved.

(2) Extension Above Free Limit

If the extension required in order to furnish service at any point within the City limits or for any adjacent or contiguous suburb of the City, is greater than the free extension specified in this subsection, that extension shall be made under the following conditions:

(a) Petition For Service

Upon the presentation of a written petition for sewer service by an

interested person or persons, the Utility shall enter into an agreement with those petitioners covering the necessary main extension, describing the installation, the method of apportioning costs among the petitioners, the total estimated cost if possible and other relevant facts and undertakings. That agreement shall contain a statement by the petitioners that they are willing to pay their proportionate share of the main extension if the project is constructed. Detailed engineering design shall not proceed if the petitioners do not agree to pay the necessary cost of the extension over and above the free limit as described herein. Petition good for one (1) year. The Utility may grant an extension of time.

Preliminary engineering investigations shall be conducted at Utility expense for the benefit of petitioners. If those investigations require an excessive amount of time and cost in the judgment of the Utility Manager, a charge shall be applied to cover the cost prior to initiating work.

(b) Engineering and Detailed Cost Estimate

When the petitioners agree in writing to pay their proportionate share of the main extension, the Utility shall conduct the necessary field survey work and engineering design resulting in a detailed engineers' estimate, the project cost shall be allocated proportionately between the petitioner or petitioners.

(c) Contract For Service

Upon completion of the engineers' estimate, the Utility shall enter into a sewer main extension contract with those petitioners which shall include a description of the installation, the estimated cost, the method of apportioning costs among the petitioners, arrangement for payment and other relevant facts and undertakings.

(d) Initial Deposit

Prior to advertising for bids or starting construction as the case may be, the petitioners shall deposit their share of the main extension with the Utility. The total initial deposit shall be made either in a cash payment or by an irrevocable letter of credit acceptable to the Utility and issued by a national banking association or a bank chartered under the State laws

or secured in any other manner which is mutually acceptable to the parties and which guarantees payment of the deposit immediately upon completion of construction of the extension.

When the total initial deposit has been made, the Utility shall advertise for bids on the project, award the bid and begin construction. Upon receipt of firm bid prices, the estimated project cost shall be adjusted to actual and the cost to the petitioners adjusted accordingly.

(e) Cost Basis

The amount to be paid by petitioners for a main extension shall be the total costs of contractual labor and expense, Utility labor and expense, material, including handling charges and hauling costs, inspection, testing, overhead and engineering. Where feasible, petitioners may, by agreement with the utility, furnish all or part of the foregoing cost elements, except inspection and testing. However all those cost elements furnished shall conform to the standards of the Utility and the Utility shall be given certified statements of the actual costs of such elements paid for by the petitioners.

(f) Engineering and Oversizing

Main extension design and specifications shall either be prepared by the Utility engineering department or be approved by the Utility Engineer before installation when done by others. No pipe size smaller than that required to give that party adequate sewer service nor less than eight (8) inches in diameter shall be used.

If the design for future use or other engineering considerations indicate the need for a sewer main larger than eight (8) inches, then the Utility shall assume the cost for oversizing providing funds are available.

The computation of cost, either actual or estimated, shall be based on an eight (8) inch main, unless a larger main is determined by the Utility to be reasonably necessary to serve the proposed customer or customers. In that case, the cost, estimated or actual, shall be based on the size of the main required.

(g) Ownership of Mains

After completion and acceptance by the Utility, the sewer main extension shall become the property of and shall be maintained by the Utility. The Utility may connect additional sewer mains to an extension without incurring any financial obligation to persons sharing the cost of the first extension.

(h) Refund Provision¹

The contract between the Utility and the original petitioners shall provide that any person who did not share the original cost of the extension and who wishes to use the extension within a period of fifteen (15) years from the date of the acceptance of that extension shall be required to pay a fair and proportionate share of the original cost of the extension.

The amount of the share collected from that new customer shall be based on a fixed connection charge as follows;

Single Family Residences	\$2,000.00
6" Connections (Except Single Family)	\$4,500.00
8" Connections	\$8,000.00
10" Connections	\$12,500.00
12" Connections	\$18,000.00
15" Connections	\$28,125.00

This additional share shall be refunded equitably to the original depositors annually or more frequently at the discretion of the Utility. The total amount refunded shall not exceed the amount of the original cost of the extension.

(i) Exclusion of New Subdivisions

New subdivisions shall be excluded from eligibility for refund agreements. The developer shall pay the entire cost of the necessary sewer main construction and recover the cost in the lot price.

¹ Amendment approved 10/17/02 by MUSB

Sewer main extensions from the terminus of existing sewer mains to the subdivision which would be subject to future connections are eligible for refund agreements.

(j) Recording Extension Contracts

In order to insure collection of share and connection charges for those providing funds for sewer main installations, the Utility shall file the original sewer main extension contracts with the County Recorder.

(k) Waiver of Protest To Annexation

Petitioners for sewer main extensions and sewer service outside the City limits shall be required to execute a written agreement that the owner and his or her successors in title and assigns waive any rights to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by the City as a condition of receiving that sewer main extension and sewer service.

(l) Lateral Extensions²

The Utility may connect additional sewer mains to an extension without incurring any financial obligations to persons sharing the cost of the first extension. However, the Utility shall not permit a prospective customer whose property is contiguous to the first extension to obtain service for an additional extension installed laterally from said first extension unless the customer pays a proportionate share of the cost of the first extension. The Utility shall collect in advance from the owner of that property a fixed connection charge as follows:

Single Family Residences	\$2,000.00
6" Connections (Except Single Family)	\$4,500.00
8" Connections	\$8,000.00
10" Connections	\$12,500.00
12" Connections	\$18,000.00
15" Connections	\$28,125.00

² Amendment approved 10/17/02 by MUSB

S. Connection Fee

If an applicant for sewer service is connected to a sewer main which has not been financed by a refund agreement or by the abutting property owners or any other individual or group of individuals, that applicant shall pay to the Utility a connection charge of Four Hundred Dollars (\$400.00).

T. Feasibility of Extension

The Utility shall not be required to make extensions under subsection (S) unless the customers initially to be served by that extension shall contract to use the service for a period of three (3) years.

U. Abandoned Building Sewers

All abandoned building sewers shall be cut off and sealed with concrete to prevent entrance of surface water and debris.

V. Delinquent Sewer Bills

If a property having a delinquent sewage bill is served by the water utility, the Utility may, after mailing a written notice at least ten (10) days in advance to the water consumer and to the property owner, shut off water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of turning water service off and on have been paid.

W. Billing For Available Sewer

If a sanitary or combined sewer is located in any street or alley adjacent to or within two hundred (200) feet of any lot or parcel of land occupied by any residential,

commercial or industrial building, the Utility shall bill the occupant or owner of that residential, commercial or industrial building whether the available sewer is used or not.

X. Maintenance of Building Sewers

The property owner is responsible for construction and maintenance of the building sewer from the building to the point of attachment of the public sewer.

Y. Other Basis For Extensions

None of the above rules and regulations shall prevent the Marion Utility Service Board from extending water and sewer lines under a different policy so long as the public interest is thereby served.

Approved As Amended by the
Marion Utility Service Board
October 17, 2002