

Chapter 66

**UTILITIES\***

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\*State law reference—Operation of municipally owned utilities, IC 8-1.5-3-1 et seq.

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**ARTICLE I. IN GENERAL****Sec. 66-1. Deposits, fees and/or penalties.**

It shall be the policy of the Town to charge deposits, fees and/or penalties on sewer/water utility bills according to a schedule of fees as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office for the following:

- (1) Customer water deposit;
- (2) Customer sewer deposit;
- (3) Fee for disconnect notices;
- (4) a. Water reconnect fee for first offense;  
b. Water reconnect fee for second offense;  
c. Water reconnect fee for third offense;
- (5) a. Water meter removal fee;  
b. Water meter reinstallation fee;
- (6) Service charge added to all bills forwarded without the correct address;
- (7) Tap fees for water;
- (8) Tap fees for sewer.

(Ord. No. 2004-1, 3-1-2004)

**Secs. 66-2—66-18. Reserved.**

**ARTICLE II. WATER SERVICE****Sec. 66-19. Indiana Utility Regulatory Commission Opt-Out.**

The Town Water Works shall not be under the jurisdiction of the Indiana Regulatory Commission for the approval of rates and charges and the issuance of stocks, bonds, notes, or other evidence of indebtedness.

(Ord. No. 2-1991, 10-7-1991; Ord. No. 4-1992, 6-17-1992)

**Sec. 66-20. Fluoridation of water supply.**

A fluoride compound as approved by the Indiana State Department of Health shall be added to the public water supply in sufficient quantities to bring the total amount of fluoride ions to optimum concentration recommended by the State Department of Health, but never to exceed 1.5 parts per million by weight.

(Res. of 12-17-1956)

**Sec. 66-21. Water rates.**

The water rates for the Town shall be determined according to a schedule of fees as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office.

**Sec. 66-22. Town's responsibility for tap.**

The Town shall be responsible for the portion of the tap coming from the Town's main water line up to and including the water meter.

(Ord. No. 2006-02, 3-20-2006)

**Sec. 66-23. Unauthorized connection.**

(a) It shall be unlawful for any person to connect or tap into the public water system without prior authorization or license from the Town.

(b) Any person violating the provisions of this section shall be subject to a fine according to a schedule of fines as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office.

(Code 1959, ch. 18, §§ 18.2, 18.3)

**Sec. 66-24. Disconnecting from water supply.**

A customer has the option of disconnecting from the Town's water supply system, so should a customer that owns or maintains a vacant residence within the corporate limits of the Town voluntarily choose to disconnect from the Town's water supply system, a fee according to a schedule of fees as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office shall be imposed for removal of the water meter. If/when the owner chooses to reconnect to the Town's water supply system, a fee according to a schedule of fees as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office shall be imposed for installation of the water meter.

(Ord. No. 2006-06, 6-5-2006)

**Secs. 66-25—66-51. Reserved.****ARTICLE III. SEWER SERVICE****DIVISION 1. GENERALLY****Sec. 66-52. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Industrial wastes* means the liquid wastes from industrial processes as distinguished from sanitary sewage.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwaters, surface waters, and stormwaters as may be present.

*Sewage treatment plant* means any arrangement of devices and structures used for treating sewage.

*Sewage works* means all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewer* means a pipe or conduit for carrying sewage.

*Sewer, combined*, means a sewer receiving both surface runoff and sewage.

*Sewer, sanitary*, means a sewer which carries sewage and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

*Sewer, storm*, means a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(Ord. No. 3, § 1(a), (d)—(k), 11-20-1961)

#### **Sec. 66-53. Penalties.**

Any person found to be violating any provision of this article shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

- (1) The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (2) Any person who shall continue any violation shall be guilty of an infraction and upon conviction thereof shall be fined according to a schedule of fines as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office, as prescribed by the provisions of section 1-13.
- (3) Any person violating any of the provisions of this article shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

(Ord. No. 3, § 8(a)—(c), 11-20-1961)

#### **Sec. 66-54. Septic sewers required.**

All sewage released within Town limits must be disposed of through private or public sewage systems. The type, layout, capacity, and location of private sewage systems shall comply with all rules and regulations of the Indiana State Department of Health.

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

- (2) The owner 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 combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 150 feet of the property line.
  - (3) Where a public sanitary or combined sewer is not available under these provisions, the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the Indiana State Department of Health.
  - (4) At such times as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.
  - (5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
  - (6) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the local county Health Officer.
  - (7) No unauthorized 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 Superintendent.
- (Code 1959, ch. 10, art. II, § 10.7; Ord. No. 3, §§ 2(c), 2(d), 3(a)—(d), 4(a), 11-20-1961)

**Sec. 66-55. Sewer installation.**

Any person desiring to install any connection with or into the Town's sanitary sewer system shall pay a tap fee according to a schedule of fees, as shall be modified, from time to time, by the Town Council, and made available for public inspection, in the Clerk-Treasurer's office, before beginning said installation. The following steps are required to complete this process:

- (1) The owner or the person installing the building sewer for said owner shall indemnify said Town from any loss or damage that may directly or indirectly be occasioned by said installation.
- (2) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (3) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the said Town Superintendent to meet all requirements of this article.

- (4) The owner shall notify the Town 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 Town Superintendent or his representative.
- (5) 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 the Town.
- (6) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Town Superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Town Superintendent, to a storm sewer, combined sewer or natural outlet.
- (7) 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 expense.
- (8) When required by the Town 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. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (9) New sewer taps shall include a cleanout installed by the Town at the location of the customer's connection to the Town's sewer line. The Town shall be responsible for the portion of the sewer tap coming from the main sewer line up to the customer's property line.

(Ord. No. 75, §§ 1—3, 5, 12-17-1956; Ord. No. 3, §§ 4(b)—(e), (g), (h), (m), (n), 11-20-1961; Ord. No. 2006-02, 3-20-2006)

#### **Sec. 66-56. Unlawful discharge.**

It shall be unlawful to discharge into any natural outlet within the Town or its jurisdiction any sewage, industrial wastes, or other pollution.

(Code 1959, ch. 10, art. II, § 10.7)

#### **Sec. 66-57. Authority of Town.**

(a) The Town may establish, construct, equip, own, operate and maintain sewage works, together with such equipment and appurtenances as may be necessary or useful and convenient for the collection, treatment, purification and disposal in a sanitary manner of the sewage and industrial wastes of the Town, including the necessary lands, rights-of-way, or other property therefor within or without the corporate limits of the Town.

(b) The Town shall at all times maintain its sewage works in good condition and operate the same in an efficient manner and at a reasonable cost.

(Ord. No. 1, §§ 1, 14(c), 11-20-1961)

**Sec. 66-58. Sewer revenues.**

All revenues derived from the operation of the sewage works and from the collection of sewage rates and charges shall be segregated and kept in a special fund separate and apart from all other funds of the Town.

- (1) Out of this fund the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid.
- (2) The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said works, and all disbursements made therefrom on account of the operation of the works, also all transactions relating to said works.

(Ord. No. 1, § 11, 11-20-1961)

**Sec. 66-59. Payment of sewer fees.**

(a) The Town will establish and maintain just and equitable rates or charges for the use of and the service rendered by said works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewerage system of the Town, or that in any way uses or is served by such works.

(b) A residential customer that owns or maintains a residence within the corporate limits of the Town shall be assessed the minimum monthly sewer charge, whether the vacancy is temporary or on a permanent basis.

(c) Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance.

(Ord. No. 1, § 12, 11-20-1961; Ord. No. 2006-06, § 2, 6-5-2006)

**Sec. 66-60. Issuance of bonds.**

The Town reserves the right to authorize and issue bonds, payable out of the revenues of its sewage works for the purpose of financing the cost of additions, extensions and improvements to the sewage works, subject to the following conditions:

- (1) The interest on and principal of all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof.
- (2) So long as any bonds herein authorized are outstanding, the Town shall maintain insurance on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do



business under the laws of the state. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, or if not used for that purpose, shall be treated and applied as net revenues of the works.

- (3) So long as any of the bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except replaced equipment which may become worn out or obsolete.
  - (4) So long as any bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless all of the bonds herein authorized are redeemed and retired coincidentally with the delivery of such additional bonds or other obligations.
- (Ord. No. 1, §§ 13, 14(d)—(f), 11-20-1961)

**Secs. 66-61—66-78. Reserved.**

## DIVISION 2. RATES AND CHARGES

### **Sec. 66-79. Sewage rates.**

For the use of and the service rendered by said sewage works, the rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary sewerage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) Except as herein otherwise provided, sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such minimum rates and charges, as the same is measured by the water meter there in use.
- (2) The water usage schedule on which the amount of said sewage rates and charges shall be as determined by the Town's Utility Rate Ordinance, as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office.
- (3) The minimum charge for any user, where the user is a metered water consumer, shall be based upon meter sizes and determined by the Town's Utility Rate Ordinance, as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office.

- (4) The minimum charge for sewage services where the user is not a metered water customer shall be based on the size of the sewage service connection, but in no event shall such charge be less than the corresponding minimum monthly water meter charge as determined by the Town's Utility Rate Ordinance.
  - (5) The quantity of water obtained from sources other than the municipal waterworks and discharged into the public sanitary sewer system may be determined by the Town in such manner as the Town shall elect, and the sewage treatment service may be billed at the appropriate rates as set forth in the schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office.
- (Ord. No. 2, §§ 1(a), (b), 2(a), 11-20-1961)

**Sec. 66-80. Fee dependent upon type of connection and use.**

(a) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the Town's waterworks and the water used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of the sewage discharge.

(b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the Town's waterworks, and in addition uses water from another source which is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(c) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of 50,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(d) In the event two or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter,

then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(e) In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be divided proportionately according to the number of units.

(Ord. No. 2, § 2(b)—(f), 11-20-1961)

**Sec. 66-81. Summer and Winter allowance.**

In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of July, August and September, the billing for sewage service for residences and/or domestic users for said months of July, August and September shall be based upon the water usage for the previous three months.

- (1) In the event the water usage for said previous three months are greater than the water usage of said months of July, August and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.
- (2) Domestic and/or residential sewage service, as applicable to the sprinkling rate, shall apply to each lot, parcel of real estate or building which is occupied and used as a residence.
- (3) Said sprinkling rate shall not apply to any premises which are partially or wholly used for industrial or commercial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such case, the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.
- (4) In the event the Town requests for water to be left dripping during the winter months to avoid freezing, a sewer allowance will be made available upon customer's notification of compliance to the Water Department and shall be based on the average sewer amount for the previous five months.

(Ord. No. 2, § 2(g), 11-20-1961)

**Sec. 66-82. Fire protection allowance.**

(a) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.

(b) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided or to rates and charges established in harmony therewith.  
(Ord. No. 2, § 2(h), 11-20-1961)

**Sec. 66-83. Rates at discretion of Town; measurement of waste; prohibition of harmful wastes.**

In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town shall have the right to base its charges not only on volume, but also on the strength and character of the sewage and waste which it is required to treat and dispose of.

- (1) The Town shall have the right to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly, into the Town's sanitary sewage system in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.
- (2) Any and all commercial and industrial installations shall be so controlled and/or treated as to the sewage strength that their effluent discharged to the Town's sewers shall have a BOD (biochemical oxygen demand) in compliance with current Indiana Department of Environmental Management (IDEM) water quality standards as prescribed by the Water Pollution Control Board.
- (3) The Town is authorized to prohibit the dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town, or to require methods of pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town.

(Ord. No. 2, § 3, 11-20-1961)

**Sec. 66-84. Billing.**

The rates and charges shall be prepared and billed by the Town and shall be collected in the manner provided by law and ordinance.

- (1) Said rates and charges will be billed to the tenant occupying the property served, unless otherwise requested in writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required.
- (2) The owners of the property served, which are occupied by tenants, shall have the right to examine the collection records of their tenants pursuant to state law.

(Ord. No. 2, § 5, 11-20-1961)

**Secs. 66-85—66-111. Reserved.**

## DIVISION 3. SEWER USE

**Sec. 66-112. Bylaws and regulations.**

The Town shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic and efficient management of the Town's sewage works, including the sewer system and the treatment plant for the construction and use of sewers and connections to the sewer system, and for the regulation, collection, rebating and refunding of rates and charges.

(Ord. No. 2, § 6, 11-20-1961)

**Sec. 66-113. Dumping of certain items may be prohibited.**

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewer system which, in its discretion, are deemed harmful to the operation of the sewage works of the Town, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town.

(Ord. No. 2, § 8, 11-20-1961)

**Sec. 66-114. System specifications.**

All building sewers made new, replaced, or repaired in the Town shall conform with provisions in this article, as well as with the grades, plans, materials, and specifications provided by the Town Superintendent and on file in the Clerk-Treasurer's office, and as adopted by the Town Council.

**Sec. 66-115. Inspection.**

The Town Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties, after requesting and securing permission, for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this article.

(Ord. No. 3, § 7, 11-20-1961)

Chapter 67

**RESERVED**

CD67:1

