

ORDINANCE NO. 2024-02

AN ORDINANCE ESTABLISHING STANDARDS FOR THE USE OF THE SFTA SEWAGE COLLECTION SYSTEM FOR THE ELKHART COUNTY REGIONAL SEWER DISTRICT

WHEREAS, under Indiana Code Art. 13-26, the Elkhart County Regional Sewer District, has the power to, has reviewed plans and specifications for, and has determined to provide for the collection, treatment, and disposal of sewage;

WHEREAS, the District has heretofore completed construction of the public wastewater infrastructure serving the area known as the Heaton Lake Community Sewage Disposal System ("Heaton Lake") and it operates and maintains the sewage works provided therein pursuant to Indiana Code Art. 13-26, as amended;

WHEREAS, the District has heretofore completed construction of the public wastewater infrastructure serving the area known as the State Road 13 Interchange TIF District ("S.R. 13 District") and it operates and maintains the sewage works provided therein pursuant to Indiana Code Art. 13-26, as amended;

WHEREAS, a separate public wastewater infrastructure is being constructed for an area designated as the Southwest Foraker Tecumseh Acres Sewage Disposal System that will be separate and distinct from the wastewater infrastructure that the District operates for Heaton Lake and the S.R. 13 District;

WHEREAS, the nature of the SFTA will be different from the nature of Heaton Lake and the nature of the S.R. 13 District, and so separate rules and regulations for the SFTA are required;

WHEREAS, the District wishes to keep in full force and effect all ordinances applicable to Heaton Lake and all ordinances applicable to the S.R. 13 District, which ordinances do not apply to the SFTA;

WHEREAS, the District needs to establish certain rules, regulations and requirements relative to the use of the sewage collection system in the SFTA to ensure its proper function, protect its integrity, provide for the safety of the public and the District's employees, and equitably distribute costs, and

WHEREAS under Indiana Code Ch. 13-26-5 the District has the power to adopt this Sewer Use Ordinance establishing rules, regulations and requirements relative to the use of the sewage collection system.

NOW, THEREFORE, BE IT RESOLVED, ESTABLISHED, AND ORDAINED BY THE BOARD OF TRUSTEES OF THE ELKHART COUNTY REGIONAL SEWER DISTRICT:

1. Definitions. Unless otherwise provided, the following definitions apply throughout this Ordinance:

- a. "Board" means the Board of Trustees of the District.
- b. "Building Lateral" means the horizontal piping that extends from the end of the lowest horizontal piping within a building or house to the septic tank effluent pumping system.
- c. "Building Sewer" means all equipment and infrastructure from the septic tank effluent pumping system to the point of connection to the Public Sanitary Sewer.
- d. "County" means Elkhart County, Indiana.
- e. "District" means the Elkhart County Regional Sewer District.
- f. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- g. "Initial Service Area" means the parcels identified in the District's Notice of Intent to Extend Wastewater System Services to Southwest, Foraker, and Tecumseh Acres Areas dated October 13, 2022.
- h. "Natural Outlet" means any channel in which a flow of water occurs, either continuously or intermittently.
- i. "Nuisance" means anything recognized as a nuisance under Indiana law.
- j. "Person" means any individual, partnership, co-partnership firm, firm, company, corporation, association, society, corporation, group, joint stock company, trust, estate, governmental entity or any other legal entity.
- k. "Public Sanitary Sewer" means the sewer owned by the District that is:

i. Designed to collect and convey:

- A. Liquid,
- B. Wastewater, or
- C. Water-carried wastes

from multiple parcels, and

ii. Which services the Initial Sewer Area and any extensions thereto.

l. "Rate Ordinance" means the Sewer Rate Ordinance adopted by the District Board for the Southwest Foraker Tecumseh Acres Sewage Disposal System

m. "Septic Tank and Related System" means any structure or system for sewage discharge or disposal that is not designed to receive sewage for transport to a public sewage treatment system.

n. "Service Area" means any property within three hundred (300) feet of the Public Sanitary Sewer as outlined by Indiana Code § 13-26-5-2(8)(A).

o. "Sewage Treatment Plant" means the sewage treatment plant owned by the City of Nappanee.

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

q. "User" means the owner of real estate which is connected to the Public Sanitary Sewer or anyone who occupies the real estate with the owner's permission.

r. "Wastewater" means liquid or water-carried waste.

2. Required Connections.

a. The owner of every property intended for human use:

- i. Which is within the Initial Service Area; and
- ii. Which does not qualify for an exemption under Indiana Code §§ 13-26-5-2.5 or 13-26-5-2.6;

must install appropriate toilet facilities and other Wastewater facilities therein and connect such facilities to the Public Sanitary Sewer by constructing a Building Lateral and Building Sewer, all in accordance with applicable law.

b. The owner of every property within the Service Area intended for human use which adds entry points to the Building Lateral, modifies the type of use of the existing facilities, or changes in a way that would result in the REUs calculated under the Rate Ordinance to change must:

- i. Inform the District of this change,
- ii. Ensure appropriate toilet facilities and other Wastewater facilities are installed therein, and
- iii. Connect such facilities to the Public Sanitary Sewer by constructing a Building Lateral and Building Sewer within ninety (90) days of receiving notice to do so, all in accordance with applicable law.

c. Section 2(b) does not apply if:

- i. The property qualifies for an exemption under Indiana Code § 13-26-5-2.5 or Indiana Code § 13-26-5-2.6, or
- ii. The property is already connected to a different sewer system that has a National Pollutant Discharge Elimination System permit and is functioning properly.

d. Nothing in this Section constitutes a waiver of the District's power to compel connection to the Public Sanitary Sewer under Indiana law, including when a Person is required to connect because their existing Septic Tank and Related System is in failure.

e. When a property subject to this Section contains multiple buildings, structures, or other enclosed spaces with wastewater facilities on a single parcel, the owner must obtain approval from the Board, at the Board's discretion, to either:

i. Provide a separate and independent Building Lateral and Building Sewer for every building, structure, or other enclosed space with wastewater facilities, or

ii. Extend a Building Lateral for some or all buildings, structures, or other enclosed spaces to an existing Building Sewer if:

A. One building, structure, or other enclosed space on the parcel is connected to the Public Sanitary Sewer as required by law, and

B. The owner of the parcel assumes all liability for any damages caused or resulting from the extended connection, including damage caused to the Building Sewer after dedication to the District under Section 5(f)(iii).

3. General Requirements.

a. The owner of a property with an abandoned septic tank and related system:

i. Must grant a right of access easement to the District to the septic tank and related system for the purpose of inspection, and

ii. Remains responsible for complying with Elkhart County's Protocol for Onsite Sewer System Abandonment.

b. The owner of a property will be responsible for all costs and expenses related to the installation and connection of the Building Lateral and Building Sewer and will indemnify the District from any loss or damage that may result directly or indirectly from such installation and connection.

c. A Person who owns a Building Lateral under public or private property must:

i. Operate and maintain the Building Lateral in a sanitary manner, and

- ii. Assume full and sole responsibility for the maintenance, reaming, cleaning, and all expenses required for the normal operation of the Building Lateral.
- d. Rates will be assessed and collected by the District in accordance with the Rate Ordinance.
- e. Except as otherwise provided, a Person may not:
 - i. Construct on a property within the Service Area that has a connection to the Public Sanitary Sewer or is required to have a connection to the Public Sanitary Sewer a:
 - A. Cesspool,
 - B. Dry well,
 - C. Privy vault,
 - D. Privy,
 - E. Septic tank and related system,
 - F. Anything designed either within or outside a structure to:
 - I. collect,
 - II. convey,
 - III. treat, or
 - IV. otherwise dispose ofany water-carried or liquid waste of domestic origin,
 - G. Anything that will make any material change in any Sewage Works, or
 - H. Other on-site wastewater disposal system intended or used for the disposal of wastewater.
- ii. Uncover, make any connection with or opening into, use, alter, or disturb any Public Sanitary Sewer or appurtenance thereof,

iii. Discharge any Pollutant, Wastewater, or any other substance into the Public Sanitary Sewer without the permission of a User and in compliance with this Ordinance and applicable law, or

iv. Connect any of the following, either directly or indirectly, to a Building Sewer:

- A. Areaway drains (basement or yard),
- B. Driveway drain,
- C. Foundation drain,
- D. Inflow,
- E. Parking lot drain,
- F. Roof downspout,
- G. Single pass non-contact cooling water,
- H. Subsurface drainage,
- I. Sump pump, or
- J. Any source of:
 - I. Surface water runoff,
 - II. Groundwater, or
 - III. Clear water.

f. Nothing in this Section may be construed to interfere with any requirements imposed by any other lawful authority.

g. Nothing in this Section may be construed to constitute a waiver or limitation of the District's rights or authority under Indiana law, including the power to compel connection to the Public Sanitary Sewer under Indiana Code § 13-26-5-2.

4. Permitting Requirements.

a. A Person may not construct anything described in Section 3(e)(i)(F) or Section 3(e)(i)(G) without a permit approved by the Board. To request approval for anything other than a Building Lateral or Building Sewer, a Person must:

- i. Submit the following to the District:
 - A. Complete and accurate plans and specifications, and
 - B. A complete and accurate engineering report supporting in detail the design set forth in such plans which shows that the requirements of this Ordinance and any other rules and regulations of the District will be met, and
- ii. Present the documents submitted under Section 4(a)(1) to the Board at a public meeting.
- b. A Person may use an existing Building Lateral or Building Sewer to comply with Section 2 only if:
 - i. The Person pays for the District to inspect and test the existing Building Lateral or Building Sewer for functionality and compliance with this Ordinance,
 - ii. The Building Lateral or Building Sewer is functional and complies with this Ordinance, and,
 - iii. The District provides its written approval, which may be denied or granted in its sole discretion after reviewing all applicable circumstances.
- c. A Person may not construct, modify, or repair a Building Lateral or Building Sewer without a permit. To request a permit, a Person must:
 - i. Submit to the Board a complete and accurate Building Lateral or Building Sewer connection application form furnished by the District,
 - ii. Comply with any request by the Board to provide supplemental materials, including any plans, specifications, and other information,
 - iii. Present its application and any materials requested under this Subsection to the Board at a public meeting,
 - iv. Pay a permit and inspection fee of \$150.00 at the time the application is submitted.

d. A Person must pay any required Connection Fee applicable under the Rate Ordinance before receiving a permit under Section 4(c).

5. Building Lateral and Building Sewer Requirements.

a. The construction, design, and repair of a Building Lateral or Building Sewer must be performed in accordance with the written approval granted under Section 4(c) and other applicable law.

b. The connection of the Building Lateral into the Building Sewer and the connection of the Building Sewer into the Public Sanitary Sewer must conform to:

- i. The requirements of the District's rules and regulations applicable to Building Laterals and Building Sewers,
- ii. Applicable building and plumbing code, and
- iii. Other applicable law

unless the Board has given its written approval for a variance. A Person may request the Board's written approval for a variance using the procedure outlined in Section 4(c).

c. A connection to the Public Sanitary Sewer may not be built if:

- i. The Public Sanitary Sewer has insufficient capacity to handle the connection, or
- ii. The connection would cause the District to violate any agreement it has with a third-party.

d. During the construction of a Building Lateral or Building Sewer, a Person must:

- i. Post a copy of the permit authorizing the work in a conspicuous place at or near the building where the Building Lateral or Building Sewer is under construction and where it is plainly visible from the public thoroughfare serving the building,
- ii. Adequately guard the worksite with barricades and lights to protect the public from hazard,

- iii. Permit the District to inspect, at any stage of construction:
 - A. The Building Sewer,
 - B. The Building Lateral,
 - C. All structures, and
 - D. The areas of all structures.
- iv. Notify the District in writing when the work is ready for a final inspection and before any underground portions of the work are covered, and
- v. Not cover or bury the Building Lateral or Building Sewer, as applicable, until
 - A. Any inspections are completed,
 - B. The Building Lateral's connection to the Building Sewer is approved, and
 - C. The Building Sewer's connection to the existing Public Sanitary Sewer is approved.
- e. Upon sufficient testing showing the Building Lateral complies with this Ordinance and is functioning properly, a Person must:
 - i. Connect the Building Lateral to the Building Sewer under the supervision of the District, and
 - ii. Restore all government owned streets, sidewalks, parkways and other public property disturbed in the course of the work in a manner satisfactory to the governmental entity which owns the disturbed public property.
- f. Upon sufficient testing showing the Building Sewer complies with this Ordinance and is functioning properly, a Person must:
 - i. Connect the Building Sewer to the Public Sanitary Sewer under the supervision of the District,

ii. Restore all government owned streets, sidewalks, parkways and other public property disturbed in the course of the work in a manner satisfactory to the governmental entity which owns the disturbed public property,

iii. Transfer, convey, and dedicate the Building Sewer and related appurtenances to the District except for:

A. Any Building Laterals,

B. The electrical connection extending from the property dedicated under this Subdivision to the disconnect constructed for use by said property,

C. Anything contained in any of the property owner's buildings, and

D. Anything which by agreement of the District is to be dedicated to another government entity.

iv. Grant the District an exclusive permanent and perpetual easement in, upon, along, and under an area extending ten feet from all property dedicated under Section 5(f)(iii) to install, use, service, and maintain the Public Sanitary Sewer and perform or undertake any and all functions and acts pertaining to the property dedicated under Section 5(f)(iii) or the operation of said property, and other use thereof by the District as may be necessary or desirable on, under, and across the real estate embraced within the area extending ten feet from all property dedicated under Section 5(f)(iii), and

v. Grant the District a non-exclusive permanent and perpetual easement in, upon, along, and under an area extending an additional five feet from the from all sides of the property dedicated under Section 5(f)(iii) to provide greater access to the property dedicated under Section 5(f)(iii) for purposes permitted by said easement pertaining to the equipment or the

operation of the Public Sanitary Sewer, or appurtenances thereto, and other use thereof by the District as may be necessary or desirable on, under, and across the real estate embraced within the area extending ten feet from all property dedicated under Section 5(f)(iii).

vi. If the easements described in Section 5(f)(iv) and (v) are impossible to grant or otherwise are insufficient to ensure access to the Building Sewer for appropriate maintenance, repair, and replacement, then Grant the District a non-exclusive permanent and perpetual easement in, upon, along, and under the area necessary to provide access to the property dedicated under Section 5(f)(iii) for purposes permitted by said easement pertaining to the equipment or the operation of the Public Sanitary Sewer, or appurtenances thereto, and other use thereof by the District as may be necessary or desirable on, under, and across the real estate embraced within the area.

vii. After completion of Section 5(f)(iii), not allow any Person, other than the District, to touch, tamper with, service, or modify the Building Sewer or Public Sanitary Sewer.

6. Discharge of Wastewater.

a. A Person may not in any unsanitary manner place, deposit, or permit to be deposited in any unauthorized location within the jurisdiction of the District any human or animal excrement, Garbage, or objectionable waste.

b. A Person may not discharge or permit to be discharged to any Natural Outlet in the jurisdiction of the District any wastewater or other polluted waters, except as permitted by this Ordinance.

c. A Person must discharge stormwater and all other unpolluted drainage to specifically designated storm sewers or to a Natural Outlet approved by a regulatory body properly exercising its authority.

7. Operation of Building Laterals and Building Sewers.

a. All Persons must take all reasonable steps to minimize or prevent any adverse impact of any discharge in violation of this Ordinance which has a reasonable likelihood of adversely affecting human health, the Public Sanitary Sewer, the waters receiving the Public Sanitary Sewer discharge, or the environment.

b. No Person may discharge any waste, wastewater, pollutant, or other substance directly into a manhole or other opening in the Sewage Works other than through an approved Building Sewer or as otherwise provided by law.

c. A User may not discharge into the Public Sanitary Sewer:

i. Any waters or wastes that contain any of the following in concentrations exceeding limits established by the District, receiving utility, or other applicable law.

A. Ammonia,

B. Arsenic,

C. Copper,

D. Fats,

E. Grease,

F. Iron,

G. Lead,

H. Mercury,

I. Oils,

J. Waste,

K. Wax,

L. Zinc, or

M. Other substances with limits established by the District, receiving utility, or by applicable law.

ii. Any pollutant which may be sufficient to create a fire or explosion hazard, whether due to its nature, quantity, or interaction with other substances, including but not limited to:

- A. Alcohols,
- B. Benzene,
- C. Chlorates,
- D. Ethers,
- E. Fuel Oil,
- F. Gasoline,
- G. Hydrides,
- H. Kerosene,
- I. Peroxides, or
- J. Sulfides.

iii. Any waters or wastes containing toxic or poisonous substances, liquids, or gases which would either singly or by interaction with other pollutants result in the presence of noxious or toxic gases, vapors, or fumes within the Public Sanitary Sewer in a quantity sufficient to:

- A. Create a public nuisance,
- B. Constitute a hazard to humans or animals,
- C. Constitute a hazard to human health,
- D. Injure or interfere with any sewage treatment process,
- E. Prevent entry into the sewers for maintenance, repairs, inspections, or monitoring,
- F. Cause damage or hazard to structures, equipment, or personnel of the Public Sanitary Sewer, or
- G. Create any hazard in the receiving waters of the sewage treatment plant.

iv. Any substance which is in quantities or of such size that is it capable of causing obstruction to the flow in sewers or otherwise interfering with the proper operation of the sewage works including but not limited to:

- A. Animal guts or tissues,
- B. Ashes,
- C. Asphalt residues,
- D. Bones,
- E. Cinders,
- F. Entrails,
- G. Feathers,
- H. Fleshlings,
- I. Food or beverage containers,
- J. Garbage with particles greater than one-half ("1/2") inch in

any dimension,

- K. Gasoline,
- L. Glass grinding,
- M. Glass,
- N. Grass clippings,
- O. Grease,
- P. Hair,
- Q. Hides,
- R. Metal,
- S. Mud,
- T. Paunch manure,
- U. Plastic or paper dishes and cups,
- V. Plastics,
- W. Polishing wastes,

- X. Rags,
- Y. Residues from refining or processing of:
 - I. Fuel, or
 - II. Lubricating oil.
- Z. Sand,
- AA. Shavings,
- BB. Spent grains or hops,
- CC. Spent lime,
- DD. Stone or marble dust,
- EE. Straw,
- FF. Tar,
- GG. Waste paper,
- HH. Whole blood, or
- II. Wood.

v. Waters or wastes containing substances which are not easily able to be treated or reduced by the Sewage Works to levels compliant with the sewage treatment plant effluent discharge requirements of agencies having jurisdiction over discharge to the receiving waters.

vi. Any pollutant which may cause the Public Sanitary Sewer's effluent or any other product or byproduct of the Public Sanitary Sewer to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

vii. Any pollutant which would cause the Sewage Works' Wastewater treatment to be in noncompliance with sludge use or disposal criteria, guidelines, laws, or regulations of any regulatory authority or government entity acting within its jurisdiction.

viii. Any Pollutant which may cause the District to violate its National Pollutant Discharge Elimination System Permit.

ix. Unless specifically authorized by the District pursuant to Section 7(d), any of the following:

- A. Artisan well water,
- B. Condensate in a commercial setting,
- C. Deionized water,
- D. Groundwater,
- E. Non-contact cooling water,
- F. Roof runoff,
- G. Stormwater,
- H. Subsurface drainage,
- I. Surface water,
- J. Swimming pool drainage, or
- K. Other unpolluted drainage.

x. Any substance which may cause excessive foaming in the Sewage Works, including:

- A. Detergents, or
- B. Surface-active agents.

xi. Any substance in an amount which would incur a surcharge under Section 5 of the City of Nappanee's Sewage Rate Ordinance, currently Ordinance No. 1521, as amended.

xii. Any substance which:

- A. Has an adverse effect on the receiving stream,
- B. Can otherwise endanger or create a hazard to human health, life, limb, property, or
- C. Constitutes a Nuisance.

xiii. Any substances which are prohibited by the Sewage Treatment Plant.

d. To request authorization to discharge a substance described in Section 7(c)(ix), a Person must:

- i. Submit a complete and accurate application, plans, and specifications,
- ii. Submit a complete and accurate engineering report showing the impact of the discharge, and
- iii. Present the documents submitted under this Subsection to the District Board at a public meeting.

e. Factors to determine whether a substance is prohibited under Section 7(c)(12) include but are not limited to:

- i. Quantities of the substance in relation to flows and velocities in the sewers,
- ii. Materials used to construct the Building Lateral and Building Sewer,
- iii. Nature of the Sewage Treatment Plant,
- iv. Degree of treatability of wastes in the Sewage Treatment Plant, and
- v. Rules and regulations of any receiving entity.

8. Authority to Reject Wastewater.

a. For any Wastewaters discharged or proposed to be discharged into the Public Sanitary Sewer which contain any of the substances or possess any of the characteristics listed in Section 7(c), the District may:

- i. Reject the Wastewater,
- ii. Require pretreatment to an acceptable condition for discharge to the Public Sanitary Sewer,
- iii. Require control over the quantities and rates of discharge,

- iv. Accept the Wastewater and require payment to cover the cost of handling and treating Wastes not covered by existing taxes or sewer charges, or
 - v. Any combination of the above.
 - b. If a User is required to pretreat under Section (8)(a)(ii) or control the quantity or rate of discharge under Section 8(a)(iii):
 - i. The design and installation of the plans and equipment will be subject to the review and approval of the District and subject to the requirements of all applicable codes, ordinances, and laws,
 - ii. The equipment and facilities used for pretreatment must be installed as part of the Building Lateral,
 - iii. The equipment and facilities used must be maintained continuously in satisfactory and effective operation, and
 - iv. The property owner is liable for any expenses related to the construction, maintenance, or use of any equipment and facilities used.
9. Inspections.
- a. To the extent permitted by Indiana Code § 36-1-6-2(a) or other applicable law, the District may inspect any property within its jurisdiction to ensure compliance with this Ordinance.
 - b. The owner of a property connected to the Public Sanitary Sewer must grant a right of access easement to the District to any Building Lateral, Building Sewer, and any related appurtenances for the purpose of inspection.
 - c. While carrying out an inspection under this Ordinance, the District may:
 - i. Maintain,
 - ii. Measure,
 - iii. Observe,
 - iv. Perform testing,
 - v. Repair,

vi. Sample, or
vii. Inquire into any processes having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for Waste treatment, including:

- A. Ceramic,
- B. Chemical,
- C. Metallurgical,
- D. Oil,
- E. Paper, and
- F. Refining.

d. A Person may not tamper with or modify any:

- i. Flow control section,
- ii. Meter,
- iii. Pump,
- iv. Sampling equipment,
- v. Valve appurtenance, or
- vi. Other equipment used by the District to determine compliance

with this Sewer Use Ordinance.

e. The District may reject Wastewater and discontinue services to a User who refuses to allow the District to enter upon properties for the purpose of inspection under this Section.

10. Disconnections.

a. A Unit may be disconnected from the Public Sanitary Sewer upon receiving a permit. A permit may be applied for using the process described in Section 4(c).

b. A Person disconnecting a property from the Public Sanitary Sewer must comply with requirements of Section 5(d) and Section 5(e)(ii), including the inspection requirements.

c. If a Unit is not completely disconnected within thirty (30) days of the issuance of a permit under Section 10(a), the District may do any of the following:

- i. Complete the disconnection itself,
- ii. Prohibit any other Person from disconnecting the property,
- iii. Prohibit the property from disconnecting, and
- iv. Assess the costs incurred by the District under this Section to the owner of the property for which the permit was issued.

11. Enforcement Provisions.

a. A Person who violates Section 2 may:

- i. Be fined \$100.00 per day the violation continues or the maximum permitted by law, and
- ii. Be subject to legal action to compel connection.

b. A property which is connected to the Public Sanitary Sewer in violation of this Ordinance may be disconnected from the Public Sanitary Sewer.

c. Any Person who violates any provision of this Ordinance:

i. Must develop a compliance schedule of corrective measures to be taken to return to compliance. The compliance schedule must contain milestone dates for the commencement and completion of major events required for the Person to become compliant with this Ordinance. Major events include:

- A. Hiring an engineer,
- B. Hiring other appropriate personnel,
- C. Completing preliminary plans,
- D. Completing final plans and specifications,
- E. Executing contracts for major components,

- F. Commencing construction, and
 - G. Completing construction and startup.
- ii. Must submit the compliance schedule to the District for review and approval, and
- iii. Is liable for any expense, loss, or damage incurred by the District because of the Person's willful violation, including:
 - A. Costs incurred as part of an inspection,
 - B. Engineering fees,
 - C. Administrative time and expense, and
 - D. Labor.
- d. If a Person fails to submit an approved schedule under Section 11(c), the District may develop and enforce a schedule for the User at the User's expense.
- e. A Person who damages any publicly owned part of the Sewage Works must:
 - i. Reimburse the governmental entity which owns what was damaged for all the damage caused, and
 - ii. Pay any and all attorney's fees and costs incurred by the governmental entity in any collection or legal action.
- f. Nothing in this Ordinance may be construed to limit the District's ability to enforce this Ordinance by any means permitted under Indiana law, including the right to seek injunctive relief.
- g. Any violation of this Ordinance is subject to the maximum penalties permitted by law, including a fine of up to \$2,500.00 for the first violation and a fine of up to \$7,500.00 for each subsequent violation.
- h. Each provision of this Ordinance that is violated constitutes a separate violation.

i. Each day a violation continues constitutes a new and separate violation.

j. The District may recover attorney's fees, court costs, and any other expenses associated with the enforcement of this Ordinance as permitted by law.

k. Nothing in this Ordinance may be construed to limit the District's right to notify law enforcement of criminal activity and request criminal restitution for a violation also constituting a criminal offense.

12. Miscellaneous.

a. Nothing in this Ordinance may be construed to limit the District's authority to adopt rules and regulations by all means permitted under Indiana law.

b. Except where clearly not intended by context, the singular will include the plural and the plural will include the singular.

c. Except where clearly not intended by context, a reference to a Person, the District, or a User will include the Person's, District's, or User's agent respectively.

d. If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters will not be affected and will continue in full force and effect.

e. All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

f. This Ordinance will be in full force and effect from and after its passage, according to law.

g. This Ordinance will be governed by and construed in accordance with the provisions of Indiana Code Art. 13-26 concerning regional sewage districts.

ORDAINED AND ADOPTED effective January 25, 2024.

ELKHART COUNTY REGIONAL SEWER DISTRICT

By Scott Robinia
Scott Robinia, President

By Mary M. Cripe
Mary Cripe, Secretary

By Mae Kratzer
Mae Kratzer, Treasurer

By George Cornish
George Cornish, Member

By Dustin K. Sailor
Dustin Sailor, Member

By Daragh Deegan
Daragh Deegan, Member

By Absent
Gale Gerber, Member

ATTEST:

By: [Signature]
Jackie Cuatrecasas, Administrative Assistant