

Original

ORDINANCE NO. 06-06-07

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

WHEREAS, under Indiana Code 13-26 The Elkhart County Regional Sewer District, Elkhart County, Indiana ("District") has the power to, and has approved plans and specifications for, and has determined to provide for the collection, treatment, and disposal of sewage;

WHEREAS, the Elkhart County Regional Sewer District ("District") is constructing a sewage collection system for the Heaton Lake Community for the purpose of protecting public health and the environmental quality of the Heaton Lake Community and surrounding areas;

WHEREAS, the District needs to establish certain rules, regulations and requirements relative to the use of the sewage collection system; and

WHEREAS under Indiana Code §13-26-5-1 et seq the District has the power to adopt an 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 Elkhart County Regional Sewer District, Elkhart County, Indiana that:

1. **SHORT TITLE AND PURPOSE**

a) This Ordinance shall be know as the "Sewer Use Ordinance" and may be cited as such.

b) It is the purpose of this Sewer Use Ordinance to establish a regulatory scheme to:

i) prevent the introduction of pollutants into the Public Sanitary Sewer which will interfere with the operation of the system or contaminate the resulting sludge;

ii) prevent the introduction of pollutants into the Public Sanitary Sewer which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

iii) improve the opportunity to recycle and reclaim Wastewaters and sludge from the system;

iv) provide for equitable distribution of the cost of the Public Sanitary Sewer; and

v) protect the physical integrity of the publicly owned treatment works and to provide for the safety of the public and workers on and in the works.

2. DEFINITIONS Unless otherwise defined in this Sewer Use Ordinance, the meaning of terms and phrases shall be defined as follows:

a) Building Drain means, in plumbing, that part of the lowest horizontal piping within a building or house that conducts wastewater to a Building Sewer.

b) Building Sewer means the horizontal piping that extends from the end of the building drain to the Public Sanitary Sewer.

c) County means Elkhart County, Indiana.

d) District means the Elkhart County Regional Sewer District.

e) Dwelling means any house or place used or intended to be used by human occupants as a place of residence.

f) Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods. It is composed largely of putrescible organic matter and its natural moisture.

g) Health Officer means the health officer of the State of Indiana, County, or District.

h) Inspector means a person duly authorized by the District to perform inspection and monitoring duties to determine compliance with this Sewer Use Ordinance and approve the installation of Building Sewers, and/or their connection to the Public Sanitary Sewer.

i) **Interference** means a discharge that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following:

i) Inhibits or disrupts the Sanitary Sewer, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods;

ii) Causes a violation of any requirement of the District, including an increase in the magnitude or duration of a violation.

j) **Lateral Sewer** means that portion of the Building Sewer in the public right-of-way or easement.

k) **Natural Outlet** means any channel including storm sewers, watercourse, pond, ditch, lake, or other body of surface or groundwater in which a flow of water occurs, either continuously or intermittently.

l) **Nuisance** means any substance or condition which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property, or which results in a nuisance as defined by Indiana law.

m) **Operation and Maintenance (O & M)** means all expenses related directly to operating and maintaining, including replacement of, the Public Sanitary Sewer.

n) **Person** means any individual, partnership, co-partnership firm, firm, company, corporation, association, society, corporation, or group, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

o) **Public Sanitary Sewer** means any common sewer designed to collect and convey liquid, Wastewater, and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, to which storm, surface and ground waters are not intentionally allowed to enter, controlled by a governmental agency or public utility, including that constructed, installed, maintained, operated and/or owned by the District.

p) Septic Tank means a watertight structure into which sewage is discharged for settling and solids digestion.

q) Sewage Disposal System means a system which is designed to receive sewage and transport the sewage to a proper sewage treatment system.

r) Sewage Treatment Plant means any arrangement of devices and structures used for treating sewage.

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

t) Sewer means a pipe and/or conduit which carries Wastewater or drainage water.

u) Shall is mandatory; May is permissive.

v) Suspended solids means solids which either float on the surface of, or are suspended in water, Wastewater, sewage, or other liquids, and which are removable by laboratory filtration.

w) User means a Person who discharges any Pollutant, Wastewater or any other substance into the Public Sanitary Sewer. The term user includes both the owner and occupant of real estate that is the source of a discharge into the Public Sanitary Sewer.

x) User Charge means a charge levied on Users of the Public Sanitary Sewer for the User's proportionate share of the cost of Operation and Maintenance, including replacement of the Public Sanitary Sewer.

y) Waste means Wastewater and any and all other Waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

z) Wastewater means liquid or water-carried Wastes from residential, commercial, industrial, municipal, agricultural, or other sources within the District that is transported and collected by a Public Sanitary Sewer.

3. GENERAL REQUIREMENTS

a) The owner(s) of all houses, buildings, or properties used for human occupancy, recreation or other purposes, situated within the District and abutting on any street, alley or public right-of-way or easement in which there is now located or may in the future be located a Public Sanitary Sewer of the District or along or across which there is access to such a sewer, is hereby required at the owners' expense to install toilet facilities and other wastewater facilities therein, and to connect such facilities via the Building Sewer directly with the Public Sanitary Sewer in accordance with the proper provisions of this Sewer Use Ordinance, as well as the provisions of Rules and Regulations adopted by the District, within ninety (90) days after date of official notice to do so, provided that said Public Sanitary Sewer is within three hundred (300) feet or 30.5 meters of the property line and the property owner(s) do not meet the requirements for the exemption from connection as set forth in IC 13-26-5-2.5. It shall be the responsibility of the property owner(s) to connect the Building Sewer to the Public Sanitary Sewer. Failure to connect within ninety (90) days shall be a violation and subject to Section 10 hereof.

b) With respect to the abandonment of existing Septic Tanks and related systems and after the property owner has connected to the Public Sanitary Sewer, the property owner shall adhere to the regulations set forth in the Protocol for Onsite Sewer System Abandonment. As a condition of connection to a Public Sanitary Sewer the owner shall grant a right of access easement to the District to the abandoned Septic Tank and related system for the purpose of inspection.

c) Any Person constructing a new house or other building for occupancy, employment, recreation, industrial or commercial activity within the limits of the District and abutting a public right-of-way or easement in which there is now located a Public Sanitary Sewer, or along or across which there is access to such a sewer, shall connect to such sewer in accordance with applicable ordinances and regulations, and shall not discharge Wastewater elsewhere than into the Public Sanitary Sewer.

d) Except as hereinafter provided, it shall be unlawful for any Person to construct within the District limits a privy, privy vault, Septic Tank and related system, cesspool, dry well or other on-site Wastewater disposal system intended or used for the disposal of Wastewater.

e) No unauthorized Person shall uncover, make any connection with or opening into, use, alter, or disturb any Public Sanitary Sewer or appurtenance thereof without first obtaining a written permit from the District. To do otherwise is a violation.

f) No city, town, county, regional district, public institution, firm, corporation, or officer or employee thereof, or other Person, shall install or contract for the construction of any sewers, sewage treatment works, or other sewage facilities, designed to collect, convey, treat, or otherwise dispose of any water carried or liquid Waste of domestic origin or make any material change in any such existing sewage facilities or sewage treatment or disposal works until plans and specifications, together with an engineering report supporting in detail the design set forth in such plans, shall have been submitted to and have been approved by the Elkhart County Board of Health and the District so far as it relates to their sanitary features.

g) All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the owner, with the exception that the District shall, at its expense, inspect each septic system abandonment and connection to the Public Sanitary Sewer prior to connection. Said inspection shall be for the purpose of insuring that pipe connected to the Public Sanitary Sewer is structurally sound and meets all criteria as provided in the Rules and Regulations for Building Sewers (House Connections). The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer. The costs borne by the property owner shall include old Septic Tank and related system abandonment, construction, and connection of Building Sewer to the Public Sanitary Sewer and any associated costs. The property owner shall also bear all monthly User Charges and usage costs associated with sewer.

h) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County and/or a Health Officer.

4. BUILDING SEWER ATTACHMENTS

a) A separate and independent Building Sewer shall be provided for every Dwelling; 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, courtyard, or driveway unless the District approves an alternative Building Sewer. The Building Sewer from the front building may be extended to the rear and the whole considered as one Building Sewer. However, the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

b) Existing Building Sewers may be used in connection with new buildings or houses only when they are determined, upon inspection and testing by the said District, to meet all requirements of this Sewer Use Ordinance.

c) The size, shape, alignment, slope, and materials of construction of a Building Sewer; the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench; and the construction of the Building Sewer shall conform to the specifications and requirements found in the Rules and Regulations for Building Sewers (House Connections) and other applicable State and receiving entity rules and regulations.

d) The District shall deny any permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of this Sewer Use Ordinance cannot be met.

5. BUILDING SEWER

a) Before commencement of construction, modification, or repair of a Building Sewer requiring excavation, the owner or his agent shall first complete an application and obtain a written permit designed by the District. The application for such permit shall be made on the Building Sewer Connection Application form

furnished by the District which the applicant shall supplement with any plans, specifications, and other information as are considered pertinent and deemed necessary in the judgment of the District. A permit and inspection fee of Fifty Dollars (\$50) shall be paid to the District at the time the application is filed. The amount of said fee may be amended from time to time by separate ordinance of the Board of Trustees of the District.

b) No permit shall be issued until the application has been completed to the satisfaction of the District. The District shall deny any permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of this Sewer Use Ordinance cannot be met.

c) Installation, modification, or repair of a Building Sewer shall be performed in accordance with this Sewer Use Ordinance, Rules and Regulations for Building Sewers (House Connections) and other applicable State, County, and District rules and regulations.

d) After receiving an order in writing from the District, the owner, agent of the owner, the occupant or agent of the occupant of the property shall comply with the provisions of this Sewer Use Ordinance, Rules and Regulations for Building Sewers (House Connections), and other applicable State, County, and District Rules and Regulations as set forth in said order and within the time limit included therein. Said order shall be served on the owner or may be served on any Person who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

e) The District shall be allowed to inspect Building Sewers work at any stage of construction, and, in any event, the applicant for the permit shall notify the District when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the District.

f) Building Sewers under public or private property shall remain the full and sole responsibility of the property owner with regards to the maintenance, reaming, cleaning and all other related maintenance required for the normal operation of the

Building Sewer. The owner shall operate and maintain the Building Sewer in a sanitary manner at all times, at no expense to the District.

g) The application for a permit shall be posted in a conspicuous place at or near the building where the Building Sewage is under construction. The notice should be plainly visible from the public thoroughfare serving said building.

h) No Person shall make connection of roof downspouts, foundation drains, sump pumps, areaway drains (basement or yard), or other clear water sources of surface runoff or groundwater to a Building Sewer which in turn is connected directly or indirectly to a Public Sanitary Sewer. Clear water sources include, but are not limited to, inflow, roof downspouts, foundation drains, subsurface drainage, areaway drains, driveways, parking lots, single pass non-contact cooling water, or other sources of surface water runoff or groundwater. Upon reasonable notice, the Inspector may enter Dwelling or other building to inspect connections to ensure all requirements are met. Further, the Director may require present Users to disconnect existing clear water sources at the User's expense.

i) The connection of the Building Sewer into the Public Sanitary Sewer shall conform to the requirements of the Rules & Regulations for building Sewers (House Connections), applicable building and plumbing code, or other applicable rules and regulations of the District. Any deviation from the prescribed procedures and materials must be approved by the District or certified representative before installation.

j) All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said District or County.

k) The applicant for the Building Sewer permit shall notify the District when the Building Sewer is ready for inspection and connection to the Public Sanitary Sewer. Notification shall be made in accordance with the Director's standard inspection procedures. The connection and testing shall be made under the supervision of the

District, Inspector or its representative using materials and techniques conforming to the requirements of the Board. The applicant shall provide access to all structures and areas of structure to the District for the purpose of establishing compliance with this Sewer Use Ordinance. The applicant shall give notice before the burial or covering of the Building Sewer and shall not cover or bury the sewer until the inspection is completed and the connection approved.

l) A Building Sewer shall be located at least 50 feet from any water supply and according to the provisions outlined in the Rules & Regulations for Building Sewers (House Connections).

m) The District or its representative shall have the right to prohibit new connections when the capacity of the Public Sanitary Sewer is deemed insufficient due to, but not limited to, the expected flow, tBOD₅ or suspended solids loadings from the prospective User.

6. DISCHARGE OF WASTEWATER

a) It shall be unlawful for any Person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage or objectionable Waste.

b) It shall be unlawful to discharge to any Natural Outlet within the District or in any area under the jurisdiction of the District, any Wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Sewer Use Ordinance.

c) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a Natural Outlet approved by written permit of the said District and other regulatory agencies (Indiana Department of Environmental Management).

7. SUBSTANCES PROHIBITED

a) No Person shall discharge or cause to be discharged substances, materials, any waters, or Wastes if it appears likely in the opinion of the District that

such Wastes, which either alone or by interaction with other discharged substances, can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger or create a hazard to human health, life, limb, public property, constitute a Nuisance, (private or public) or violate the rules and regulations of the receiving utility. In forming this opinion as to the acceptability of these Wastes, the District will give written consideration to such factors as the quantities of subject Wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment plant, degree of treatability of Wastes in the sewage treatment plant, whether said substances will violate any receiving entity rules or regulations, and other pertinent factors.

b) No Person shall discharge any Waste, Wastewater, pollutant or other substance directly into a manhole or other opening in the treatment works other than through the approved Building Sewer, except in accordance with the terms of this Sewer Use Ordinance or by express permission of the District.

c) All Users shall take all reasonable steps to minimize or prevent any adverse impact of any discharge in violation of this Sewer Use 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.

d) A User shall **NOT** discharge into the Public Sanitary Sewer the following:

i) Any waters or Wastes that may contain in excess but not limited to fats, oils, grease, arsenic, wax, iron, copper, zinc, ammonia, lead, mercury and similar objectionable or toxic substances, or Wastes in such concentrations exceeding limits established by the District and/or receiving utility for such materials in compliance with applicable State or Federal Regulations other public agencies requirements

ii) A pollutant which by reason of its nature or quantity is, or may be, sufficient either alone or by interaction with other substances to create a fire or explosion hazard. Such pollutants may include, but are not limited to, gasoline,

benzene, fuel oil, ethers, alcohols, peroxides, chlorates, kerosene, hydrides and sulfides.

iii) Any waters or Wastes containing toxic or poisonous substances, liquids, or gases in sufficient quantity, 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 create a public Nuisance or constitute a hazard to humans or animals, hazard to human health or to injure or interfere with any sewage treatment process to prevent entry into the sewers for maintenance, repairs, inspections, or monitoring or create any hazard in the receiving waters of the sewage treatment plant, including any Pollutant having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the Public Sanitary Sewer.

iv) Solid or viscous pollutant, or other substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other Interference with the proper operation of the sewage works such as, but not limited to: animal guts or tissues, ashes, asphalt residues, bones, cinders, entrails, feathers, fleshlings, garbage with particles greater than one-half inch (1/2") in any dimension, gas, glass, glass grinding, grass clippings, grease, hair, hides, metal, mud, paunch manure, plastics, plastic or paper dishes and cups, milk containers etc (either whole or ground by garbage grinders), polishing Wastes, rags, residues from refining, or processing of fuel or lubricating oil, sand, shavings, spent lime, stone or marble dust, spent grains or hops, straw, tar, underground garbage, waste paper, wood, or whole blood.

v) Waters or Wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent discharge cannot meet the requirements of other 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 of the Public Sanitary Sewer such as residues, sludge, or

scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a Pollutant discharged to the Public Sanitary Sewer cause the treatment to be in noncompliance with sludge use or disposal criteria, guidelines or regulations of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

vii) Any Pollutant which may cause the treatment works to violate its NPDES Permit.

viii) Storm Water, surface water, groundwater, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, and non-contact cooling water, unless specifically authorized by the District.

ix) Detergents, surface-active agents, or other substances which may cause excessive foaming in the treatment works.

8. AUTHORITY TO REJECT WASTEWATER

a) The District shall have the right to reject Wastewater and prohibit the Discharge of rejected Wastewater into the Public Sanitary Sewer, or the District may require pretreatment of the Wastewater when the strength or character of the Waste is such that it could cause damage to or interfere with the operation of the Public Sanitary Sewer.

b) If any Wastewaters are discharged, or are proposed to be discharged, to the Public Sanitary Sewer, which waters contain the substances or possess the characteristics enumerated in Section 7 of this Sewer Use Ordinance, and which in the judgment of the District may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public Nuisance, the District shall upon written notice:

i) Reject the Wastes;

ii) Require pretreatment to an acceptable condition for discharge to the Public Sanitary Sewer;

iii) Require control over the quantities and rates of discharge; and/or
iv) Require payment to cover the added cost of handling and treating the Wastes not covered by existing taxes or sewer charges.

c) If the District permits the pretreatment or equalization of Wastewater flows, the design and installation of the plans and equipment shall be subject to the review and approval of the District and subject to the requirements of all applicable codes, ordinances, and laws.

d) Where preliminary treatment or flow-equalizing facilities are provided for any waters or Wastes, they shall be maintained continuously in satisfactory and effective operation by and at the owner's expense.

9. ACCESSIBILITY, PERMITS AND INSPECTION

a) Any permits required under this Sewer Use Ordinance shall be furnished only after the completion of the appropriate application form to be provided by the District. The application forms furnished by the District will set forth the requirements necessary for obtaining the applicable permit, including the information to be provided by the applicant and any applicable application fee.

b) A duly authorized employee or agent of the District, or an Inspector, bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of to inspection, observation, measurement, sampling, and testing pertinent and necessary to carry out the provisions of this regulation. The District or its representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for Waste treatment.

c) As a condition of connection to a Public Sanitary Sewer the owner shall grant a right of access easement to the District to the Septic Tank and related system and household plumbing for the purpose of inspection.

d) A duly authorized employee or agent of the District, or an Inspector, bearing proper credentials and identification shall be permitted to enter all private

properties through which the District 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 sewage works lying within said easement. 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.

e) The District shall have the power to eject Wastewater and discontinue services to a User who refuses to allow a duly authorized employee or agent of the District, or an Inspector, bearing proper credentials and identification to enter upon properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent and necessary to carry out the provisions of this Sewer Use Ordinance and other ordinances, Rules and Regulations, or other requirements of the District.

10. VIOLATIONS

a) Any Person found to be violating any provisions of this Sewer Use Ordinance shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory corrections thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

b) If a Person fails to connect according to the terms of this Sewer Use Ordinance, the Rules and Regulations of Building Sewers (House Connections) of the District or other applicable statute, regulation or other requirement, said Person shall be assessed a penalty of \$2,500.00 and the District shall have all other powers to force connection, including but not limited to, those powers found in Indiana Code § 13-26-5-2(9).

c) Any User that is not in compliance with any limitations or requirements of this Sewer Use Ordinance, shall develop a compliance schedule of corrective measures to be taken in order to return to compliance. This schedule shall be submitted to the District for review and approval. If the User does not submit an acceptable schedule, the District may develop and enforce a schedule for the User. This schedule shall contain milestone dates for the commencement and completion of major events

leading to the construction and operation of additional facilities required for the User to comply with this Sewer Use Ordinance, including, but not limited to, dates relating to:

- i) hiring an engineer,
- ii) hiring other appropriate personnel,
- iii) completing preliminary plans,
- iv) completing final plans and specifications,
- v) executing contracts for major components,
- vi) commencing construction, sought
- vii) completing construction and startup, and
- viii) all other acts necessary to achieve compliance with this Sewer

Use Ordinance.

d) No Person shall maliciously, willfully, recklessly 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 violating this provision shall be subject to immediate arrest under charge of disorderly conduct, criminal mischief and theft.

e) It shall be a violation of this Sewer Use Ordinance for any Person to tamper with or modify any pump, valve appurtenance, flow control section, meter, sampling equipment, or other equipment used by the a duly authorized employee or agent of the District, or an inspector to determine compliance with this Sewer Use Ordinance.

f) Any Person causing damage to the Public Sanitary Sewer, Sanitary Sewer, Sewage Disposal System or Sewage Treatment Plant, shall reimburse the District for all the damage caused to such structures. Any such Person shall pay a reasonable penalty for such damage, as well as all attorney fees and cost of collection incurred by the District.

g) Any Person who shall continue any violation beyond the time limit provided for in 3(a) shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount no less than Fifty (\$50) dollars and not exceeding Three Thousand

(\$3,000) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

h) Any Person violating any of the provisions of this Sewer Use Ordinance is liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation. Any such Person shall pay a reasonable penalty for such damage, as well as all attorney fees and cost of collection incurred by the District. Such Person shall also be subject to any and all penalties that Indiana law allows the District to pursue.

11. Miscellaneous

a) Discharger's Request for Interpretation In an effort to assure fuller understanding of and compliance with the goals and objectives of this Sewer Use Ordinance, any interested party may request, in writing from the District, an interpretation or ruling on any matter covered by this Sewer Use Ordinance.

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

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

d) Ordinance in Force This sewer use ordinance shall be in full force and effect from and after its passage, according to law.

e) Governing Effect This Sewer Use Ordinance shall be governed by and construed in accordance with the provisions of Indiana Code 13-26 concerning the Regional Sewage Districts.

ORDAINED AND ADOPTED this 7th day of June, 2006.

ELKHART COUNTY REGIONAL SEWER DISTRICT

By Scott Robinia

Scott Robinia

By Michael Machlan

Michael Machlan

By Robert Watkins

Robert Watkins

By Glen Duncan

Glen Duncan

By (Absent)

Adlai Schrock

ATTEST:

Kristine A. Krueger
Kristine A. Krueger