

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE, REFUSE AND WEEDS

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Hobart - Public Works

Section

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GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

ASHES. The residue resulting from the burning of wood, coal, coke or other combustible material.

DISPOSAL. The storage, collection, disposal and handling of refuse.

DUMP. Any land or area used for the throwing, storage, dumping and/or disposing of refuse of any sort not conforming to the requirements of a sanitary landfill.

GARBAGE. All putrescible animal solid, vegetable solid and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving or consumption of food or food materials.

RECYCLABLE MATERIALS. The materials designated by the Mayor or his or her designee under promulgations and regulations established by him or her from time to time, a list of which designated materials shall be published in the same manner as ordinances.

REFUSE. All putrescible and non-putrescible solid and semi-solid wastes, except human excreta, including garbage, rubbish, ashes, abandoned automobiles, street cleanings, dead animals, offal and solid commercial, industrial and institutional wastes.

RUBBISH. All non-putrescible solid waste, excluding ashes, such as cardboard, paper, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubber, leather, crockery and other waste materials that ordinarily accumulate around a home, business or industry. It shall not include garbage, ashes, bulk refuse, dead animals, hazardous refuse, industrial waste or building waste resulting from the operations of a contractor.
(Prior Code, § 7-1) (Ord. 615, § 2; Ord. 93-21, § 1)

§ 50.002 DUMPS RESTRICTED.

(A) Dumps are hereby declared to be nuisances hazardous to human health and, as such, are not suitable means of refuse disposal. No person or political subdivision shall establish, operate or maintain a dump within the corporate limits of the city, whether or not the service is performed for compensation or gratis.

(B) Nothing in this section shall be construed as prohibiting any person or political subdivision from the placing or storage, on their own premises, of refuse produced by them on their premises, when the storage is of a temporary nature, incidental to its removal and disposal.
(Prior Code, § 7-2) (Ord. 615, § 5; Ord. 93-21, § 2)

§ 50.003 USE OF CITY DUMP BY NON-RESIDENTS.

All non-residents of the city are prohibited from depositing rubbish, garbage or trash of any kind within or from making any use whatsoever of the city dump.
(Prior Code, § 7-3) (Ord. 633, § 1) Penalty, see § 50.999

§ 50.004 DEPOSITING REFUSE FROM OUTSIDE CITY.

No person shall deposit rubbish, garbage or trash of any kind within the city dump, which garbage, rubbish or trash has been carried or removed for such purpose from any area outside the city.
(Prior Code, § 7-4) (Ord. 633, § 2) Penalty, see § 50.999

§ 50.005 REFUSE DISPOSAL.

(A) All refuse shall be drained free of liquids before disposal.

(B) Garbage shall be wrapped in paper or similar material.

(C) All cans, bottles or other food containers shall be rinsed free of food particles and drained before disposal.

(D) Rubbish shall be placed in approved containers or cut and baled, tied, bundled, stacked or packaged so as not to exceed 36 inches in length and 50 pounds in weight.

(E) The following items will be collected by the city as a special pickup and billed based on the actual cost in man-hours, equipment required for pickup and cost of disposal. Costs of \$10 or less, as determined by the Department of Public Works, shall be waived. Special pickups shall be made as soon as practicable after request is made to the Department of Public Works.

- (1) Large household appliances, water heaters and large or heavy metal objects;
- (2) Furniture and mattresses;
- (3) Lumber and packing materials;
- (4) Lawn equipment;
- (5) Concrete, bricks or cement blocks;
- (6) All brush or tree limbs;
- (7) Carpeting;
- (8) Automobile or truck tires; and
- (9) Additional items as authorized by the Commissioner of Public Works.

(F) The following items will not be picked up or disposed of by the city:

(1) Hazardous waste, including, but not limited to, oil, gasoline, diesel fuel, lead paint, oil paint, antifreeze, chemicals, vehicles, railroad ties, gas canisters, propane tanks and other combustive or explosive materials;

(2) Refuse from the maintenance, remodeling, demolition, burning or destruction of buildings, regardless of whether the maintenance, remodeling, demolition, burning or destruction is performed by the owner or by a contractor;

(3) Tree trunks, tree stumps or tree roots; and

(4) Grass clippings, except as part of a composting program in compliance with state statute.

(G) The Building Department shall:

(1) Notify each licensed contractor, at the time the annual license is issued, of the provisions of this section and shall make clear in the notification that refuse from contractor operations is the responsibility of the owner or contractor; and

(2) Include with each building permit issued, notification of the provisions of this section and of the responsibility of the building permit holder to dispose of refuse from operations conducted under the building permit.

(Prior Code, § 7-5) (Ord. 615, § 3; Ord. 92-16, § 1; Ord. 2002-14, § 1) Penalty, see § 50.999

§ 50.006 USE OF CONTAINERS REQUIRED; EXCEPTION.

(A) Each householder, commercial establishment or person having refuse shall provide himself or herself with approved refuse containers and shall place and keep all refuse therein, except as provided in § 50.005.

(B) It is unlawful to place refuse in any street, alley, stream, body of water or any other public place or upon private property, whether owned or not, unless the refuse is placed in an approved container; except that rubbish may be stored as provided in § 50.005(D).

(Prior Code, § 7-6) (Ord. 615, § 3) Penalty, see § 50.999

§ 50.007 REFUSE CONTAINERS; SPECIFICATIONS.

Refuse containers shall be made of durable, watertight, rust-resistant material having a close-fitting lid and handles to facilitate collection.

(Prior Code, § 7-7) (Ord. 615, § 3) Penalty, see § 50.999

§ 50.008 CONTAINERS.

(A) *Capacity.* Refuse containers for residence shall be of not less than 10 gallons and not more than 32 gallons in capacity. All residential properties containing 4 or more dwelling units, and non-residential properties, including, but not limited to, businesses, schools, churches and similar uses, may contract for city refuse collection of 1 cubic yard once or twice weekly. However, they shall use containers in a number and size sufficient to accommodate all refuse produced by the users. Container lids must be kept closed when not in use. It shall be unlawful for any user to place materials outside of a container.

(Prior Code, § 7-8) (Ord. 615, § 3; Ord. 92-14, § 1)

(B) *Maintenance.* It is unlawful to permit the accumulation or residue of liquids, solids or combination of both of the materials on the bottom or sides of containers, it being the intention of this section that the interiors of containers be kept clean by thorough rinsing and draining as often as necessary.

(Prior Code, § 7-9) (Ord. 615, § 3)

(C) *Location.*

(1) Refuse containers shall, for the purposes of collection, be placed at ground level and shall be made readily accessible to the collector.

(2) Notwithstanding the provisions of this section, householders, commercial establishments or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.

(Prior Code, § 7-10) (Ord. 615, § 4)

Penalty, see § 50.999

§ 50.009 COLLECTION; FREQUENCY.

(A) Refuse shall be collected once weekly.

(B) Hotels, restaurants, institutions and commercial establishments may be required to have more frequent collection, if determined by the Common Council to be essential to protect the public health.

(C) All residential properties containing 4 or more dwelling units and non-residential properties, as described in § 50.008(A), may contract for collection of 1 cubic yard of refuse once or twice weekly by the city. The fee for the collection shall be as set out in the Fee Schedule of this code.

(D) The fees shall be payable in the same manner and for the same time periods as sewer use charges and shall be billed, whenever practical to do so, with the regular sewer use charge billing for the premises. (Prior Code, § 7-11) (Ord. 615, § 4; Ord. 92-14, § 2)

§ 50.010 COLLECTION; LICENSE REQUIRED; FEE.

No person shall collect, remove, haul or convey any refuse, other than his or her own, through or upon the streets or alleys of the city or dispose of same in any manner or place without obtaining a license from the Common Council. The fee for the license shall be as set out in the Fee Schedule of this code.

(Prior Code, § 7-12) (Ord. 615, § 4) Penalty, see § 50.999

§ 50.011 LICENSES.

(A) *Statement required.* Every person who shall apply for a collector's license under this chapter shall state the type of refuse to be collected, the manner of collection and the place and method of disposal.

(Prior Code, § 7-13)

(B) *Term; no proration of fee.* All collectors' licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in fee for any license issued after the beginning of any calendar year.

(Prior Code, § 7-14)

(C) *Conformance to chapter.* No collector's license shall be granted if the place and method of disposal shall not conform to the requirements of this chapter or to the ordinances of any municipal or quasi-municipal corporation wherein disposal of the refuse is to be made.

(Prior Code, § 7-15)

(Ord. 615, § 4)

§ 50.012 CHANGES IN DISPOSAL ARRANGEMENTS.

No licensed collector shall make any changes in the arrangements for disposal of refuse collection by him or her without first receiving the approval of the Common Council.

(Prior Code, § 7-16) (Ord. 615, § 4) Penalty, see § 50.999

§ 50.013 NON-LICENSED COLLECTION PROHIBITED.

It is unlawful to permit an unlicensed commercial collector to collect or remove refuse from a household, institution or commercial establishment.

(Prior Code, § 7-17) (Ord. 615, § 4) Penalty, see § 50.999

§ 50.014 COLLECTION VEHICLES.

(A) *Generally.* All vehicles used for the collection of garbage shall be equipped with compacting devices or equivalent types of enclosed bodies and shall have enclosed cargo space.

(Prior Code, § 7-18)

(B) *Open vehicles prohibited.* It is unlawful to collect, haul, transport or convey garbage in open or unenclosed vehicles.

(Prior Code, § 7-19)

(Ord. 615, § 4) Penalty, see § 50.999

§ 50.015 GRASS, WEEDS AND NOXIOUS VEGETATION.

(A) Whenever it is determined that a rank growth of grass, weeds or other vegetation exceeding 6 inches in height exists on property located in the city, the Hobart Code Enforcement Department shall be notified and it shall send a 5-day written notice to remove the vegetation to the landowner by certified mail addressed to the landowner's last known address and shall post a notice of action at the residence or vacant lot.

(B) If the landowner fails to remove the vegetation within the time prescribed, the city may remove the vegetation. The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the city in the removal. The statement shall be sent to the landowner by certified mail and the owner shall pay the amount to the Clerk-Treasurer's office within 10 days after receiving the statement. If the landowner fails to pay the amount due within the time permitted, a certified copy of the statement of costs shall be filed in the Lake County Auditor's office, the amount shall be collected as taxes are collected and disbursed to the city's General Fund.

(Prior Code, § 7-20) (Ord. 91-24, § 2; Ord. 2006-02, § 1)

§ 50.016 VIOLATIONS DECLARED NUISANCES; ABATEMENT.

(A) Any dump or landfill or the transportation of refuse in violation of any provision or section of this chapter is hereby declared to be a common nuisance and, as such, may be abated in any such manner as nuisances are or may hereafter be abated under existing laws including, but not limited to, temporary and permanent injunctive relief.

(B) The city or any designated enforcement officer hereof may institute a suit for injunction to restrain any person or political subdivision from violating any provision of this chapter.
(Prior Code, § 7-21) (Ord. 93-21, § 3(part))

§ 50.017 CUMULATIVE REMEDIES.

The limitations and remedies of this chapter are cumulative and are in addition to all other limitations and remedies prescribed by law, statute or ordinance.
(Prior Code, § 7-22) (Ord. 93-21, § 3(part))

REFUSE COLLECTION AND DISPOSAL

§ 50.030 RESPONSIBILITY, AUTHORITY TO CONTRACT FOR.

(A) The collection and disposal of refuse within the corporate limits of the city shall be administered, operated, conducted and/or maintained by and through the office of the Mayor and the terms of the provisions of this subchapter.

(B) The city shall have the right, exercisable by its Common Council, to appoint or contract with 1 or more persons, exclusively or concurrently with the activities of the city, to collect and/or dispose of refuse, garbage or rubbish.
(Prior Code, § 7-23) (Ord. 93-21, § 4(part))

§ 50.031 COLLECTION, DISPOSAL BY UNAUTHORIZED PERSONS PROHIBITED.

No person or political subdivision shall collect, remove, cremate, dispose or otherwise deal in refuse within the corporate limits of the city, unless expressly authorized to do so by the city.
(Prior Code, § 7-24) (Ord. 93-21, § 4(part)) Penalty, see § 50.999

§ 50.032 “PACKER” TYPE VEHICLES REQUIRED FOR TRANSPORTING.

No person or political subdivision shall transport any sanitary waste, garbage or putrescible solid and semi-solid wastes over the public streets, highways or alleys of the city, except in “packer”-type vehicles which are in proper working order.

(Prior Code, § 7-25) (Ord. 93-21, § 4(part)) Penalty, see § 50.999

§ 50.033 COVERING REQUIRED FOR VEHICLES TRANSPORTING SOLID WASTES.

No person or political subdivision shall transport any non-putrescible solid or semi-solid waste on the public streets, highways or alleys of the city in open trucks unless securely covered with a tarpaulin or other similar type covering from which no dust, odor or waste can escape.

(Prior Code, § 7-26) (Ord. 93-21, § 4(part)) Penalty, see § 50.999

SUPPLEMENTAL COLLECTION REGULATIONS**§ 50.050 STORING OF REFUSE.**

(A) No person shall place within the city any refuse in any street, alley or other public place, or upon any private property, whether owned by the person or not, except in proper containers for collection or under express approval granted by the Mayor.

(B) No person shall throw or deposit any refuse in any stream or other body of water.

(1) *Unauthorized accumulation.* Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this subchapter shall be deemed a violation of this subchapter.

(2) *Scattering of refuse.* No person shall case, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.

(Prior Code, § 7-27) (Ord. 93-21, § 5(part)) Penalty, see § 50.999

§ 50.051 POINT OF COLLECTION.

(A) Refuse containers shall be placed for collection at ground level on the property, not on the paved portion of the right-of-way of a street or alley, and accessible to and not more than 10 feet from the side of the street or alley from which collection is made; provided that, the container may be placed for collection at other than ground level and at a distance of more than 10 feet approved by the Mayor, which approval shall include an additional charge for the extra service as agreed upon by both parties.

(B) Garbage and refuse accumulated by residents in buildings with 4 or fewer dwelling units and not collected in rear alleys shall be placed out for collection not earlier than 12:00 noon on the day preceding collection. Emptied receptacles and uncollected items shall be returned to the premises at the end of the day of collection.

(Prior Code, § 7-28) (Ord. 93-21, § 5(part))

§ 50.052 COLLECTION PRACTICES.

(A) *Frequency of collection.*

(1) *Residential.* Garbage and refuse accumulated by residential buildings with 3 or fewer dwelling units shall be collected once each week, except on designated holidays.

(2) *One cubic yard containers.* All properties required to use 1 yard containers shall, at their option, elect once each week or twice each week refuse removal. All garbage and refuse collected from properties required to use 1 cubic yard containers shall be placed in the container. Any such user placing material outside of the 1 cubic yard container shall be charged an additional volume and cost incurred as determined by the Mayor.

(3) *Apartment or multiple dwelling units.* Where necessary to protect the public health, the Mayor shall have the authority to require that more frequent collections than twice each week be made, or that additional one cubic yard containers be obtained. In such instance, or otherwise when reasonably required by the Mayor, the person owning or operating the apartment or multiple dwelling unit shall contract with a private collection service to meet the requirements of the city.

(4) *Commercial.* The Mayor may designate that a hotel, restaurant or other business or commercial institution shall enter into an agreement with a private collection company authorized to do business in the city and in such instance, the city shall not collect garbage and refuse from such person or firm.

(B) *Use of 1 cubic yard containers.*

(1) All residential properties containing 4 or more dwelling units, and non-residential properties, including, but not limited to, businesses, schools, churches and similar uses, who request city refuse collection, shall own, alone or jointly with others, 1 or more than 1 cubic yard containers approved by the city, and in a number to accommodate all refuse produced by the user(s) of the container(s) so that no garbage is stored outside of the container, and so that it does not otherwise overflow or allow the wind to blow materials out of the container. Container lids must be kept closed when not in use.

(2) Apartments and multiple dwelling units required to provide a 1-yard container in division (B)(1) above, shall provide the container no later than July 1.

(C) *Limitation of quantity.*

(1) *Residential.* The city shall collect a reasonable accumulation of garbage and refuse of each family during a collection period.

(2) *Apartment or multiple dwelling unit.* The city may collect a reasonable accumulation of garbage and refuse of apartments or multiple dwelling units during the collection period at a fair charge based upon the average weight or volume. The Mayor shall have the authority either to refuse to collect unreasonable amounts or to make an additional charge for such amounts.

(3) *Commercial.* The city may collect a reasonable accumulation of garbage and refuse of hotels, restaurants and other businesses and institution during the collection period at a fair charge based upon the average weight or volume. The Mayor shall have the authority either to refuse to collect unreasonable amounts or to make an additional charge for such amounts.

(D) *Special refuse problems.*

(1) *Contagious disease refuse.* The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed, shall be performed under supervision and direction of the county's Health Officer. The refuse shall not be placed in containers for regular collections.

(2) *Inflammable or explosive refuse.* Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Mayor at the expense of the owner or possessor thereof.

(Prior Code, § 7-29) (Ord. 93-21, § 5(part))

§ 50.053 VALIDITY.

(A) *Repeal of conflicting provisions.* All ordinances or parts of ordinances in direct conflict herewith are hereby repealed. This subchapter shall be deemed supplemental and additional to any other ordinances now in effect.

(B) *Validation clause.* The invalidity of any section, sentence, clause or provision in this subchapter shall not affect the validity of any other section, sentence, clause or provision of this ordinance which can be given effect without such invalid part or parts.

(Prior Code, § 7-30) (Ord. 93-21, § 5(part))

RECEPTACLES

§ 50.065 MATERIAL FOR GARBAGE RECEPTACLES.

It shall be the duty of every person who is the owner or occupant of any premises within the corporate limits of the city to provide a suitable and sufficient garbage container upon the premises.

(A) Each garbage container shall be limited to a capacity of 30 gallons.

(B) Trash containers and receptacles shall have a maximum capacity of 30 gallons.
(Prior Code, § 7-31) (Ord. 93-21, § 6(part))

§ 50.066 PLACEMENT; MAINTENANCE.

(A) Garbage receptacles required by this subchapter shall be placed within the lot lines.

(B) All receptacles, garbage and trash shall be kept clean and in a sanitary condition. The container must have lids which fit tightly and all containers must be kept closed at all times. Bags of solid wastes may be used for solid waste collection; however, they shall not be placed out for collection any sooner than the day of collection. It shall be the responsibility of the resident to clean up any loose garbage due to broken bags or overturned cans.

(Prior Code, § 7-32) (Ord. 93-21, § 6(part))

SANITARY LANDFILLS

§ 50.080 DUMPING IN OTHER AREAS PROHIBITED.

No person or political subdivision shall dump or deposit any refuse on any land or in any area, public or private, within the corporate limits of the city.

(Prior Code, § 7-34) (Ord. 93-21, § 7(part)) Penalty, see § 50.999

§ 50.081 COMPLIANCE WITH SUBCHAPTER REQUIREMENTS.

No person shall dispose of refuse or permit the disposal of refuse on land owned by him or her or leased by him or her, or under his or her control, by the landfill method, or use or permit the use of sanitary waste as fill for any low or submerged property.

(Prior Code, § 7-35) (Ord. 93-21, § 7(part)) Penalty, see § 50.999

RECYCLING

§ 50.095 DEFINITIONS.

For the following purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

AUTHORIZED OR DESIGNATED RECYCLING PROGRAM. A program for the collection and recycling of recyclable material which is instituted, sponsored and controlled by the City of Hobart.

BUY-BACK CENTER. A facility established to purchase recyclables from municipalities and/or the general public and to process, store and transport same.

COMPOSTABLE MATERIAL. Leaves, grass clippings, tree limbs, other yard wastes, lumber and wallboard.

DROP-OFF BOX. A compartmentalized, self-contained roll-off box, which is used to collect separated recyclables. The number and size of compartments corresponds with the type and anticipated amount of recyclables.

ELIGIBLE HOUSEHOLDS. All single-family dwelling units and multi-family dwelling units up to 4 units per building who are receiving city refuse collection service.

PARTICIPATING HOUSEHOLDS. All eligible households who place recyclable materials as part of the designated recycling program, at designated collection points, in accordance with city specifications.

PARTICIPATING INSTITUTION. All schools, hospitals and other not-for-profit organizations, approved by the Mayor, for participation in the recycling and composting programs.

RECYCLABLES. All items of refuse to be part of an authorized recycling program and which are intended for transportation, processing and remanufacturing.
(Prior Code, § 7-36) (Ord. 93-21, § 8(part))

§ 50.096 PROMOTION OF RECYCLING PROGRAM.

(A) The Council hereby authorizes the Mayor to develop and implement an intensive and comprehensive promotional program concerning the city recycling program.

(B) This may include advertising, visiting neighborhood organizations, brochures, direct mailing, cable television broadcasts, school presentations, novelties and rewards and prizes, subject to Council approval.
(Prior Code, § 7-37) (Ord. 93-21, § 8(part))

§ 50.097 AUTHORIZATION TO IMPLEMENT.

The Council hereby authorizes the Mayor to implement the above described recycling program by purchasing necessary equipment, installing necessary capital improvements and hiring and training necessary employees, all in accordance with the Curbside Recycling Plan description submitted April, 1992.
(Prior Code, § 7-38) (Ord. 93-21, § 8(part))

§ 50.098 REQUIRED STATUS REPORT.

The Mayor shall, from time to time or upon request of the Council, prepare status reports during implementation, and evaluations, research, findings and recommendations concerning the on-going recycling program.

(Prior Code, § 7-40) (Ord. 93-21, § 8(part))

§ 50.099 RECYCLING GOALS.

The Council shall authorize the establishment of a city-wide recycling program. The stated goal of the recycling program is a 5% reduction in total volume to the landfill and a 50% average participation rate by July 1, 1994.

(Prior Code, § 7-41) (Ord. 93-21, § 8(part))

§ 50.100 VOLUNTARY.

The recycling program shall be voluntary.

(Prior Code, § 7-42) (Ord. 93-21, § 8(part))

§ 50.101 CONTAINERS.

One standard city-approved container shall be provided to each eligible household by the city. The container is to be used for the placement of recyclables only. The container shall remain at the residence, even if the occupants move, for use by the new occupants. The resident shall be responsible for proper care and cleaning of the container and shall be liable for its repair or replacement due to the resident's careless or malicious behavior.

(Prior Code, § 7-43) (Ord. 93-21, § 8(part))

§ 50.102 CONTAINER PLACEMENT AND RETRIEVAL.

The resident shall be responsible for placing the containers holding recyclables at the curb not earlier than 12:00 noon on the day preceding his or her designated collection day, and for promptly retrieving his or her container after emptying, by the end of the day of collection.

(Prior Code, § 7-44) (Ord. 93-21, § 8(part))

§ 50.103 COLLECTION FREQUENCY.

Collection of recyclables will take place once per week for each participating household on the same day as garbage collection.

(Prior Code, § 7-45) (Ord. 93-21, § 8(part))

§ 50.104 COLLECTION ITEMS.

The Mayor shall prepare a list of refuse items designated to be part of an authorized recycling program. Such items must be ones which are generally accepted by the recycling industry for remanufacture and refuse, and which can be cleaned, prepared and stored in a manner to protect the public health, welfare, safety or environment.

(Prior Code, § 7-46) (Ord. 93-21, § 8(part))

§ 50.105 UNAUTHORIZED COLLECTIONS.

It shall be unlawful to conduct or condone any unauthorized collections of recyclable materials which are set out by city residents as part of the designated recycling program. The unauthorized collections may reduce the volumes of materials collected as part of a designated program and thereby threaten the economic viability of the authorized program.

(Prior Code, § 7-47) (Ord. 93-21, § 8(part)) Penalty, see § 50.999

§ 50.106 RECYCLABLES OWNERSHIP.

Ownership of recyclable materials remains with the person or household from which the materials originated, until collected by the designated program. Upon the removal by the city of approved recyclables from a designated collection point, ownership of properly prepared and stored recyclable materials intended for the authorized collection program shall be vested in the City of Hobart. Materials not prepared, cleaned or stored according to city specifications shall remain the responsibility and property of the individuals or household from which the materials originated.

(Prior Code, § 7-48) (Ord. 93-21, § 8(part))

§ 50.107 BUY-BACK CENTER.

The Council hereby authorized the Mayor to negotiate a lease, subject to Council approval, of municipal property, in order to establish a privately-owned buy-back center for recyclables collected by the city's authorized program, as well as other sources.

(Prior Code, § 7-49) (Ord. 93-21, § 8(part))

§ 50.108 PARTICIPATING INSTITUTIONS.

The Council authorizes the establishment of a recycling program for all participating institutions. The city shall be responsible for providing each institution with a "drop-off box", for transporting, emptying and returning the box to the institution for refilling.

(Prior Code, § 7-50) (Ord. 93-21, § 8(part))

§ 50.109 CONTAINER RESPONSIBILITY.

The participating institution shall be responsible for seeing to it that recyclables are collected and deposited in a separated manner and for maintaining a neat and orderly collection area. The institution shall also be responsible for the proper care and cleaning of the container and shall be liable for its repair or replacement due to malicious or careless behavior. The container shall remain the property of the city. (Prior Code, § 7-51) (Ord. 93-21, § 8(part))

§ 50.999 PENALTY.

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

(B) Any person, firm or corporation violating any provision of §§ 50.002, 50.005 through 50.008, 50.010 or 50.015 shall be subject to the jurisdiction of the Ordinance Violation Bureau and the first violation within a calendar year of the ordinances and code provisions shall be subject to a civil penalty of \$25; provided, the civil penalty is paid within 90 days of the date of the violation; and a second violation within a calendar year of the ordinances and code provisions shall be subject to a civil penalty of and a second civil penalty of \$50; provided, the civil penalty is paid within 90 days of the date of the violation. A civil penalty for a first violation or a second violation within a calendar year which is not paid within 90 days of the date of the violation and a third or subsequent violation within a calendar year of the ordinances and code provisions shall not be subject to the Ordinance Violations Bureau, but shall be prosecuted in the Hobart City Court and subject to the general penalty provision. Each day on which a violation occurs may be designated as a separate offense. (Prior Code, § 7-52) (Ord. 90-42, § 5)

Section

General Provisions
CHAPTER 51: ELECTRICITY

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GENERAL PROVISIONS**§ 51.01 “ELECTRICAL WORK” DEFINED.**

The term **ELECTRICAL WORK**, as used in this chapter, shall be construed to mean all erecting, altering, repairing, servicing, maintaining or installing of materials, devices, appliances, apparatus, motors, generators, fixtures and equipment used for the distribution, transmission or supply of electrical energy, including conduits, tubes, ducts, raceways, wires, cables, buses and similar materials used in the electrical industry for carrying and distributing electrical current, but not limited to the foregoing.

(Prior Code, § 5-1) (Ord. 459, § 5)

§ 51.02 OFFICE OF ELECTRICAL INSPECTOR.

(A) *Created; examination.* There is reaffirmed the creation of the Office of Electrical Inspector. The Electrical Inspector shall be appointed and may be removed at the discretion of the Mayor, but shall, during his or her term of office be, under the supervision of the Building Commissioner. The Electrical Inspector shall not be engaged or financially interested in the electrical business, shall be a licensed electrician and may be required by the Board of Public Works and Safety to demonstrate his or her fitness for the office by passing an appropriate examination.

(Prior Code, § 5-2) (Ord. 90-34, § 4)

(B) *Right of entry.* The Electrical Inspector shall have the right, during reasonable hours, to enter any building or premises in the discharge of his or her official duties, or for the purpose of making any inspection, reinspection or test of the electrical equipment contained therein or its installation.

(Prior Code, § 5-3)

(C) *Defective equipment; authority to disconnect.* When electrical work or wiring is found to have been installed in a manner conflicting with the provisions of this chapter or when any existing electrical work or wiring has, through fire, natural deterioration or any other cause whatsoever, in the opinion of the Electrical Inspector, become a fire, accident or life hazard, the Electrical Inspector is empowered to remove the fuse, cut the wires or otherwise render the system inoperative until the defects have been corrected and the Electrical Inspector notified, in writing, so that the work may be again inspected and approved.

(Prior Code, § 5-4)

(D) *Defective equipment; notice to correct.* When any electrical equipment is found by the Electrical Inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified, in writing, and shall make any changes or repairs required in the judgment of the Electrical Inspector to place equipment in safe condition, and if the work is not completed within 15 days or any longer period that may be specified by the Electrical Inspector in the notice, the Electrical Inspector shall have the authority to disconnect or order the discontinuance of electric service to the electrical equipment.

(Prior Code, § 5-5)

(E) *Defective equipment; emergencies.* In cases of emergency, where necessary for safety to persons or property or where electrical equipment may interfere with the work of the Fire Department, the Electrical Inspector shall have the authority to disconnect immediately or cause the disconnection of any electrical equipment.

(Prior Code, § 5-6)

(F) *Delegation of authority.* The Electrical Inspector may delegate any of his or her powers or duties to any of his or her assistants.

(Prior Code, § 5-7)

(G) *Enforcement of chapter.* The Electrical Inspector shall not approve the installation of any electrical wiring or electrical work until all the provisions of this chapter are complied with, including, but not limited to, the requirements as to permits and licenses.

(Prior Code, § 5-8)

(Ord. 459, § 5)

§ 51.03 CHAPTER APPLICATION.

(A) *Public utilities.* The provisions of this chapter shall not apply to electrical work done and materials used by or for a public service or communication utility with respect to plant, equipment, apparatus, material, property and appurtenances used in the generation, transmission, distribution, supply, utilization and metering of electrical energy and the adaptation of the utilization equipment of its customers to the electrical energy characteristics of the public service utility company and the servicing of the utilization equipment or in the operation of signals or the transmission of intelligence. A public service utility shall not install its customer's light or power service outlet, its distribution center or its switches or its meter boxes in or on their property; but, the public service utility may install and connect its services, meters and metering equipment on the customer's premises.

(Prior Code, § 5-9)

(B) *Certain industries exempt.* The provisions of this chapter shall not apply or be binding upon any industry located in buildings or fireproof construction used solely for manufacturing purposes and located at least 200 feet from any dwelling or residence and located in whole or in part within the corporate limits of the city, which industry exercises control through engineering, safety standards, competent electrical supervision and testing personnel in order to ensure that all electrical work performed for the industry by its own employees is carried out in accordance with the laws of the state, the rules of the Fire Marshal of the state and the rules of the Electrical Inspector of the city.

(Prior Code, § 5-10)

(Ord. 459, § 6)

§ 51.04 BOARD OF EXAMINERS.

(A) *Composition; appointment; term.* The Board of Examiners shall consist of 5 members: the city's Engineer, the Mayor of the city, the Electrical Inspector and an electrical contractor and a journeyman electrician; the 2 latter to be appointed by the Council of the city to serve a period of 1 year from date of appointment or until successors are appointed and qualified.

(Prior Code, § 5-11)

(B) *Organization; compensation.* The members of the Board of Examiners shall hold a meeting within 10 days from the date of qualification of all the members, at which meeting they shall organize and adopt the rules and regulations as are deemed necessary and expedient for the purpose of administering this chapter and duties herein prescribed and rules or regulations hereinafter set forth. The members of the Board of Examiners shall serve without compensation.

(Prior Code, § 5-12)

(Ord. 459, § 1)

§ 51.05 PERMITS.

(A) *Required; exceptions.* It is unlawful for any person to do any electrical work as a contractor without first having obtained an electrical permit from the city’s Clerk-Treasurer, allowing such work and providing for the inspection of the same by the Electrical Inspector of the city. The provisions of this chapter shall not apply to minor repairs, which shall mean only the following: Replacing flush and snap switches, refusing cutouts, changing lamps, sockets and receptacles, taping bare joints and repairing drop cords.

(Prior Code, § 5-13)

(B) *Issuance; qualifications.* The city’s Clerk-Treasurer shall not issue a permit to do any work within the corporate limits of the city to any person who has not qualified in accordance with the terms of this chapter.

(Prior Code, § 5-14)

(Ord. 459, § 6) Penalty, see § 10.99

CONTRACTORS

§ 51.20 EXAMINATION BY BOARD.

Before any person shall actually engage in the trade or business of electrical contracting, the person engaged in the active management of the person shall be required to pass an examination before the Board of Examiners as to his or her ability to conduct properly the electrical contracting business in accordance with the rules and regulations provided in this chapter.

(Prior Code, § 5-15) (Ord. 459, § 2)

§ 51.21 LICENSE APPLICANT.

(A) *Form; required.* An applicant for an electrical contractor’s license, as contemplated by this chapter, shall file a written application on a form to be provided by the city’s Clerk-Treasurer, with the Electrical Inspector of the city, stating the name of the person desiring the electrical contractor’s license; also, the name of the person who is to actively manage the business, the person who is to take the examination, hereinafter called the “examinee”, the relationship or authority and duty which he or she bears to the business conducted by the person applying for the electrical contractor’s license, whether as owner, partner, officer or manager, and the business address of the person.

(Prior Code, § 5-16)

(B) *Fee; filing term.* Each examinee for an electrical contractor's license shall pay a fee as set out in the Fee Schedule of this code to the city's Clerk-Treasurer before or at the time of filing the application for an electrical contractor's license. This examination fee is not returnable. Each examinee having qualified for an electrical contractor's license must obtain the license within 30 days from the date of examination.
(Prior Code, § 5-17)

(C) *Notice of examination time.* Upon receipt of any application and proof of the payment of the prescribed fee, it shall be the duty of the city's Clerk-Treasurer to notify, in writing, each member of the Board of Examiners of the receipt of the application and the Board of Examiners, by its Secretary shall, within 15 days after receipt of notice, set a date for the examination of the person who is to take the examination for an electrical contractor's license.
(Prior Code, § 5-18)

(D) *Examination; duties of Board of Examiners.* The applicant for a license shall be notified, in writing, of the date of his or her examination at least 5 days before the date at the address given in his or her application and shall be examined by the Board of Examiners and the Board of Examiners shall, by its rules and regulations, establish the type and nature of the examination and the method and manner of determining the result of the examination and shall by its rules and regulations establish the standard of results of the examination which all applicants shall meet to entitle them to a license.
(Prior Code, § 5-19)

(E) *Examination results; certification.* The results of any examination conducted by the Board of Examiners shall be certified, in writing, to the city's Clerk-Treasurer by at least 4 members who were present at the time of examination.
(Prior Code, § 5-20)

(F) *Examination; waiting period for re-exam.* Any applicant failing to qualify for an electrical contractor's license shall not be eligible to file application for examination again for a period of 6 months and no other person of the same firm or corporation shall be entitled to an examination for an electrical contractor's license before the expiration of the 6-month period.
(Prior Code, § 5-21)

(G) *Bond required.* Any applicant, having qualified for an electrical contractor's license, shall file with the city's Clerk-Treasurer an indemnity bond, with good and sufficient surety, to be approved by the city's Clerk-Treasurer, payable to the city, in the penal sum of \$5,000. The bond shall be conditioned that the applicant will not violate any of the terms or conditions of this chapter. The applicant shall maintain the bond as long as he or she continues in business.
(Prior Code, § 5-22) (Ord. 1261, § 1)
(Ord. 439, § 3)

§ 51.22 LICENSES.

(A) *Issuance; fee.* It shall be the duty of the city's Clerk-Treasurer, upon receipt of an approved certificate that the examinee has passed the examination for an electrical contractor's license, issued by the Board of Examiners and, upon payment to the city of the sum as set out in the Fee Schedule of this code for the initial

license, under this chapter, to issue the electrical contractor's license, signed by the Mayor and attested by the city's Clerk-Treasurer to the applicant.

(Prior Code, § 5-23)

(B) *Expiration.* All licenses issued under the provisions of this chapter shall lapse on December 31 of each year.

(Prior Code, § 5-24)

(C) *Renewal; reapplication.* An application for a renewal of an electrical contractor's license shall be accompanied by a fee as set out in the Fee Schedule of this code and may be filed any time during the month of January immediately following the date of expiration. The application for renewal shall be granted; provided that, the other requirements of this chapter have been complied with. All applications for renewal of an electrical contractor's license shall be filed with the city's Clerk-Treasurer not later than January 31 of each year; otherwise, the electrical contractor's license must be obtained by a new application and a reexamination and upon payment of the license fee required for the initial license.

(Prior Code, § 5-25) (Ord. 94-27, (part))

(D) *Non-transferable.* The license issued by the city's Clerk-Treasurer pursuant to this chapter shall not be transferable.

(Prior Code, § 5-26)

(E) *Validity.* When the examinee of a licensee ceases to be actively connected with the electrical business of the licensee, the license issued to the business shall remain valid for 60 days in order to enable another person to take the examination for the electrical business. Upon the expiration of the period, no new permits will be issued to the business, but the work for which permits have been issued may be completed.

(Prior Code, § 5-27)

(Ord. 459, § 3)

§ 51.23 VIOLATION; FORFEITURE.

Any contractor licensed by the city under this chapter who shall obtain a permit for doing electrical work in the city under the terms of this chapter and who permits any non-licensed contractor to use this permit to do electrical work in the city shall be in violation of the provisions of this chapter and shall forfeit his or her license.

(Prior Code, § 5-28) (Ord. 459, § 3)

§ 51.24 CANCELLATION.

If any person holding an electrical contractor's license under the provisions of this chapter shall be convicted 3 times for violating any of the provisions of this chapter his or her license shall be forfeited and the Mayor of the city shall order the license cancelled and the licensee shall then have no further rights under the license.

(Prior Code, § 5-29) (Ord. 459, § 9)

§ 51.25 REAPPLICATION AFTER FORFEITURE.

The person whose electrical contractor's license has been forfeited and cancelled may, after the expiration of 6 months from the forfeiture and cancellation, apply as provided in this chapter for a new license.
(Prior Code, § 5-30) (Ord. 459, § 9)

§ 51.26 EXCEPTION FROM LICENSING; VIOLATION.

The provisions of this chapter regarding licenses shall not apply to any homeowner doing his or her own electrical work himself or herself in a 1-family residence for his or her own occupancy upon otherwise complying with this chapter as required of licensed contractors. However, the homeowner shall do the work himself or herself upon the premises and if the owner should not do the work on the premises and he or she uses the permit with the intention to nullify a provision of this chapter by himself or herself or in conspiracy with another or others, he or she shall be guilty of the offense of violating this chapter and shall be punishable as provided hereinafter. A permit taken out by a homeowner may be transferred without cost to any electrical contractor licensed by the city, the transfer to be effectuated by the city's Clerk-Treasurer. The permit issued to the homeowner shall have this section printed on it.
(Prior Code, § 5-31) (Ord. 439, § 6)

§ 51.27 CESSATION OF BUSINESS.

Should a licensee desire to cease the operation of business for a period of time, the license may be maintained by the payment of renewal fees and the filing of bond as, in this chapter, provided.
(Prior Code, § 5-32) (Ord. 439, § 3)

INSPECTIONS**§ 51.40 REQUIRED PRIOR TO CONCEALMENT.**

No electrical wiring or electrical work of any nature shall be concealed or enclosed before it shall have been inspected by the Electrical Inspector.
(Prior Code, § 5-33) (Ord. 459, § 7)

§ 51.41 FEES.

At the time of obtaining a permit to do electrical work, the permits and fees as set out in the Fee Schedule of this code shall be collected by the Clerk-Treasurer.
(Prior Code, § 5-34) (Ord. 459 § 8; Ord. 892 § 1; Ord. 1260 § 1, 1976; Ord. 92-30 § 1; Ord. 2001-53, § 2)

MINIMUM STANDARDS FOR ELECTRICAL INSTALLATIONS

§ 51.55 ESTABLISHED; MODIFICATIONS; CURRENT TURNON.

(A) The provisions of this subchapter shall constitute the minimum requirements for the installation of electrical wiring in residences and apartment buildings.

(B) In a number of the provisions of this subchapter modifications may be allowed; provided that, a special written permit is obtained, previous to starting work. No notice of completion of work will be turned into the public utility for service, until all inspection fees are paid.

(C) No electrical current shall be turned on in any building until a certificate has been issued by the Electrical Inspector, showing that the electrical work has been completed according to the provisions of this subchapter.

(Prior Code, § 5-35) (Ord. 583, § 2)

§ 51.56 APPLICABLE CODES AND REGULATIONS.

All electrical wiring in the city shall be installed in accordance with:

(A) The National Electrical Code;

(B) Rules and regulations of the state’s Fire Marshal; and

(C) The rules and regulations incorporated in this chapter.

(Prior Code, § 5-36) (Ord. 583, § 2)

§ 51.57 SERVICE WIRING AND METERS.

(A) Meters and service wiring shall be installed on the outside of the buildings. Exceptions only by authorization from the Electrical Inspector and the Northern Indiana Public Service Company. Service entrance wires from the point of contact with the building and up to and including the switch meter connections and main cutout shall be completely enclosed in metal.

(B) Rigid galvanized conduit shall be used for all outside service entrance raceways.

(C) Solder lugs on service conductors shall not be approved. The service outlet shall extend at least 12 feet above grade. Service entrance conductors and disconnect means shall have a current-carrying capacity sufficient to supply the connected load.

(D) Single-family dwellings, of less than 1,500 square feet, shall be provided with a minimum of 100 ampere copper wire service. Single-family dwellings of 1,600 square feet or more shall be provided with a minimum of 200 ampere copper wire service.

(E) In residences having no basement, the entrance switch shall not be less than 5 feet from the floor.

(F) The minimum size of mast type service shall be 2-inch conduit and shall extend at least 24 inches above the roofline. An approved flashing is recommended to be installed where the conduit extends through the roof.

(G) The service in a multiple occupancy building may consist of not more than 6 fused disconnects or circuit breakers, located in a readily accessible point nearest the entrance of the service conductors. Installations of more than 6 circuits shall require a fusible main disconnect or circuit breaker.

(H) In multiple-occupancy buildings, if metered separately, each occupant shall have access to his or her disconnecting means, which shall be 120/240 3-wire service.

(I) All temporary service shall be installed with galvanized conduit and approved weather head.

(J) The ground wire shall be installed in rigid or thin wall conduit and connected with an approved ground clamp to a driven ground rod 8 feet long or galvanized 3/4-inch pipe 10 feet long. All temporary services shall be inspected.

(K) All services in excess of 400 amperes the city's Inspection Department shall be consulted for requirements.

(L) Switch boxes or distribution panels shall not be installed in closets, bathrooms or over kitchen sinks.

(M) The main disconnect or main switch box shall not be placed over 6 feet from a point on the wall where the entrance run comes into the building.

(N) All emergency wiring must comply with the requirements of the state's Fire Marshal.

(O) All grounded 3-phase systems shall be marked or stenciled with 1 inch letters on each service switch and on all disconnects throughout the building.

(P) All four 3-phase systems shall be color coded as follows: 120/240 volt Phase A- Black, Phase B - Red, Phase C - Blue, Neutral - White, 480/277 volt Phase A - Brown, Phase B - Orange, Phase C - Yellow, Neutral - Gray.

(Prior Code, § 5-37) (Ord. 583, § 2; Ord. 699, § 1; Ord. 2001-53, § 3)

§ 51.58 WIRING METHODS.

(A) All outlet and junction boxes used on outside of building shall be approved weatherproof type. When practicable, multi-wire branch circuits will be allowed. When used, no 2 wires with a potential difference shall have the same color. A potential difference must exist between the ungrounded circuit wires that share a common neutral.

(B) Sockets, when not attached to fixtures or located under damp, concrete, tile or metal floors shall be of standard shockproof type, is suspended lower than 8 feet from the floor.

(C) All wires shall be copper.

(D) All neutral wires must have the same capacity as the other conductors of the same circuit, electric ranges circuits excepted.

(E) Wires for an electric range outlet shall not be smaller than number 6 wire; except, that the neutral wire may be number 8 gauge wired. Where range and oven are separate units, each shall have a separate 30 ampere 4 wire circuit.

(F) All shall be galvanized with the exception of aluminum and P.V.C., which shall be used by approval of the Electrical Inspector only.

(G) Only galvanized rigid metal conduit shall be approved for all exterior work or overhead services. Only rigid conduit, I.M.C, Greenfield, EMT or N.M. Cable will be permitted in buildings. All furnaces or boilers, with or without circulating or vacuum pumps, shall be installed on a separate circuit.

(H) Each habitable room of all buildings shall have a minimum of 3 current consuming outlets. Residential wiring shall not exceed 10 outlets per circuit. No more than 6 outlets per circuit shall be permitted for show window lighting.

(I) Commercial basements, storage and stockroom wiring shall not exceed 6 outlets per circuit not to exceed 1,320 watts.

(J) All electrical equipment and raceways shall be securely bonded to assume the continuity of the entire system.

(K) Ball transformers shall be of the outlet type for box mounting; other types shall be mounted in metal cabinets.

(L) Garages shall be wired with conduit or metallic tubing. No current-consuming outlets in garages shall be located less than 4 feet from the floor unless of the explosion-proof type.

(M) Each single-family dwelling and each apartment shall be provided with at least four 20-ampere small appliance branch circuits for all receptacle outlets for the small appliance loads, including refrigeration equipment, in the kitchen, pantry, breakfast room and dining room. Two of the circuits shall be of opposite polarity as the other circuits. The circuits shall not be smaller than number 12 wire and shall no other outlets. (Prior Code, § 5-38) (Ord. 583, § 2; Ord. 2001-53, § 4)

§ 51.59 GASOLINE STATIONS.

(A) Gasoline pumps shall be connected with electrical explosion proof fittings only. Sealed fittings shall be used at distribution centers and pumps as required by the state's Fire Marshal.

(B) Each circuit supplying equipment in or on a dispensing pump shall be provided with a switch or other acceptable means to disconnect all conductors of the circuit from the source of supply. (Prior Code, § 5-39) (Ord. 583, § 2)

§ 51.60 SIGNS.

- (A) Moisture resisting wire shall be used on flexible sign connections.
- (B) All signs shall be provided with outlet or junction boxes or a compartment in the sign to facilitate the running of conduit to the sign and the making of the connection in the boxes or compartments.
- (C) For swinging signs, flexible metal conduit shall be used from the last support on the building to the sign.
- (D) Signs shall be placed at least 10 feet above the surface of that part of the public walkway which any such sign overhangs, and the portion of any such sign nearest to the building against which it is placed shall not be a greater distance than 2 feet from the building.
- (E) A minimum of 18 feet is required for signs hanging over roadways.
- (F) No sign shall project beyond the curbline.
- (G) Signs, fixtures and outline lighting shall be protected by their own cutouts.
- (H) Only Underwriters' Laboratory approved fixtures shall be installed. Fixtures exposed to weather, moisture or corrosive vapors shall be of a weatherproof type.
- (I) Recessed fixtures shall be of a type approved for that purpose.
- (J) Fixtures shall be installed so that they may be removed without damage to the walls or ceilings.
- (K) Not more than twenty 40-watt lamps shall be placed on any branch lighting circuit, nor more than ten 80 watt slim line lamps on 1 circuit.
- (L) The fixtures shall not be in use as a splicing chamber for other circuits or a common raceway for other conductors.
- (M) Exit and emergency lighting shall be provided in all public buildings regularly used by the general public for meetings and other similar activities.
- (N) A separate service switch shall be provided and exit lighting shall be controlled only at some point near the main entrance and accessible to authorized persons only.
(Prior Code, § 5-40) (Ord. 583, § 2)

§ 51.61 GROUNDING.

- (A) Grounds shall be connected to service equipment from the first meter box, the meter switch or service switch.

(B) Where city water is available in the building, it shall be used as the grounding electrode. Service conductor ground wires must be connected to the nearest point on the cold water system of a building and a bonding jumper must be installed around the water meter or pump.

(C) Conductors used for grounding shall be enclosed in conduit securely fastened and an approved conduit type fitting – J.P.S. 12, shall make connections.

(D) Installations of equipment of 220 volts or over shall be provided with an approved ground including portable equipment.

(E) In so called “unfinished basements” that are at least half above ground and studs have been placed for the future finishing all electrical work must be completed and must conform to the National Electrical Code concerning habitable areas, for placement of convenience outlets, switches and lighting.

(F) Wherever framing has been installed for future completion of habitable rooms all electrical work must be installed to meet these future needs at the time of the initial construction.
(Prior Code, § 5-41) (Ord. 583, § 2; Ord. 2001-53, § 5)

§ 51.62 TRAILER PARKS.

(A) All disconnect boxes shall be weatherproof type when used on the outside.

(B) All trailer cords shall terminate in a distribution box and be fused at 15 amperes. When more than 15 amperes are required, another circuit shall be installed.

(C) All cords shall be approved weather-resisting type and kept in a good state of repair.

(D) Conduit or thin wall and TW wire not smaller than number 12 shall be used in washhouses and lavatories.

(E) In washhouses and laundry rooms, all receptacles shall be of the polarized type. All appliances used in washhouses and laundry rooms not permanently connected shall have 3 conductor cords. One conductor of the 3 shall be used as an equipment ground.
(Prior Code, § 5-42) (Ord. 583, § 2)

Section

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GENERAL PROVISIONS

§ 52.01 FLUORIDATION.

The Gary-Hobart Water Corporation shall provide the means for and proceed with the addition of sufficient quantities of fluoride compound to the public water supply to bring the total amount of fluoride ions present in the finished water to the optimum concentration recommended by the state's Board of Health, but never exceeding 1-1/2 parts per million by weight.
(Prior Code, § 23-1) (Ord. 532, § 1)

§ 52.02 WELL WATER REGULATIONS WHERE PUBLIC WATER SUPPLY AVAILABLE.

It shall be unlawful for the owner of any residential or commercial property which has immediate access to the public water supply to permit the installation of a well water system on the property unless the following conditions are met. It shall be unlawful for both a well water system and a public water supply system to be

operable on the same residential and commercial property unless there is a back flow prevention device installed at the public water supply connection by a licensed plumber and inspected and permitted by the City of Hobart. The back flow prevention device shall be tested periodically in accordance with the rules determined by the Indiana American Water Company or its successors. Any installation of wells shall comply with all Board of Health regulations and permitting requirements.
(Ord. 2006-40 (as amended), § 1)

LAKE MICHIGAN WATER

§ 52.20 PROVISION OF LAKE MICHIGAN WATER.

The purpose of this policy is to uniformly and consistently respond to citizen requests for assistance from the City of Hobart (hereinafter referred to as “city”) in obtaining Lake Michigan water provided by the Northwest Indiana Water Company (hereafter referred to as “Northwest”). This policy attempts to balance the provision of a uniform level of water service for all citizens of the city, while at the same time establish a meaningful system of prioritization in light of budget limitations.
(Ord. 97-52, § 23-2)

§ 52.21 REQUEST FORMAT.

When residents of a particular area express an interest in receiving Lake Michigan Water they must file an application for such using forms prescribed by and available at the City Engineer’s office. The forms shall contain sufficient information to prioritize the request with others to determine a project ranking. The forms shall contain information including but not limited to the following:

(A) Vicinity of the area requesting service;

(B) Total number of households, businesses, or industry in the area;

(C) Number of households from the area requesting service indicated by a signature and address on the petition page of the application;

(D) The identification of a spokesperson or liaison for the area requesting service to represent the neighborhood at meetings and receive communication from the city as to the disposition of the request; and

(E) Number of residents with water pressure or water quality problems including test results to substantiate the claims.

(Ord. 97-52, § 23-3)

§ 52.22 PROJECT PRIORITIZATION PROCESS.

(A) After an application is filed by a requesting neighborhood, the City Engineer shall provide a fire protection ranking of the area after carefully identifying the number, location, and water output capacity of the fire hydrants.

(B) The City Engineer shall attempt to substantiate or refute claims of poor water quality and/or pressure.

(C) The City Engineer shall attach a recommended ranking for the priority of the water request, along with a cost estimate of the needed improvement.

(D) The City Engineer shall provide a report of his or her findings to the Board of Public Works and Safety.

(E) The Board of Public Works and Safety shall rank the project along with other necessary public works projects in a Capital Improvements Program (CIP) comprising a program year plus 5 future years. Each year projects completed during the program year shall be removed from the CIP, and another year added.

(F) Prior to being added to the CIP, each project must have a cost estimate, prioritization ranking, timetable, and source of revenue identified. Each project in the CIP must be approved by the City Council.

(G) No project shall be advanced for inclusion in the CIP without the recommendation of the Board of Public Works and Safety, and no project included in the CIP shall be funded and built without the approval of the City Council.

(H) The city shall enter into a water main extension agreement with Northwest for the construction and installation of water improvement projects listed in the CIP which have been approved by the City Council and for which the benefitted property owners have paid their pro-rata share to the city.

(I) The water main extension agreement shall be solely between the city and Northwest. The city shall pay to Northwest the amount of the construction and installation costs for the project required by the main extension rules of Northwest and the rules and regulations of the Indiana Utility Regulatory Commission. The payment to Northwest shall be made up of the pro-rata share paid by the benefitted property owners and the additional amount which the city will pay from city funds under this policy.
(Ord. 97-52, § 23-4)

§ 52.23 PRO-RATA SHARE PAID BY BENEFITTED PROPERTY OWNERS.

(A) All water improvement projects which work their way up the priority list in the CIP must include pro-rata shares paid by benefitted property owners sufficient to cover the cost of the project above the amount paid by the city.

(B) The pro-rata share shall not be a mandatory special assessment unless the owners of 70% or more of the benefitted properties agree to participate.

(C) The pro-rata share shall be paid to the city by the benefitted property owner in a lump sum in advance of the city authorizing the work to commence.

(D) At its discretion the city may, but is not required to, secure a promise to pay from a benefitted property owner, advance the benefitted property owner's pro-rata share for the project, and then receive reimbursement pursuant to a pre-approved installment payment schedule as described in § 52.24 below. (Ord. 97-52, § 23-5)

§ 52.24 ASSESSMENT OF PRO-RATA SHARE.

(A) If 70% or more of the benefitted property owners contiguous to the route of the proposed water main extension are favorable to paying the pro-rata share, then payment shall be mandatory for all benefitted property owners contiguous to the route.

(B) If fewer than 70% of the benefitted property owners contiguous to the route of the proposed water main extension are favorable to paying the pro-rata share, then payment shall be voluntary for all benefitted property owners contiguous to the route. Under this condition, the city shall pay no amount toward the project.

(C) If payment of the pro-rata share is mandatory, the Board of Public Works and Safety on a case by case basis shall determine the method of assessment used in order to raise the amount not paid by the city. Since each water request is unique, the Board of Public Works and Safety shall determine the method of mandatory assessment at the time the project moves to the top of the priority list.

(D) The methods used for the assessment may include the following:

- (1) Per foot of frontage along the route of the main;
- (2) Per improved property, equal assessment;
- (3) Per area of each lot served;
- (4) Estimated consumption; and
- (5) Any combination of the above.

(E) Lots separated from the water main by easements or rights-of-way shall be considered contiguous for purposes of assessment.

(F) Properties with multiple contiguous frontages shall be assessed based on the average lot dimension of the 2 contiguous frontages.

(G) In addition to being responsible for the pro-rata share for the water main extension installation, each benefitted property owner shall be responsible for paying all costs associated with the connection from the water main to the private facility intending to use water.

(H) In the case of extreme financial hardship as determined by the Board of Public Works and Safety, the pro-rata share for the water main installation may be paid to the city by installment payments. The owners of a benefitted property seeking installment payments must file with the Clerk-Treasurer an application for installment payments which shall include verification that the benefitted property owners lack available funds to pay the

pro-rata share in a lump sum. The application shall be reviewed by the Clerk-Treasurer for sufficiency. If the application for installment payments is approved by the Board of Public Works and Safety, all owner of record shall execute a promissory note and recordable real estate mortgage securing payment of the promissory note using the benefitted real property as security for payment. The promissory note shall be for a term no longer than 48 months and shall be at an annual interest rate equal to 8% per annum.

(I) The owners of developed and undeveloped property benefitted by the water main installation project shall pay the pro-rata share as a mandatory special assessment to the City of Hobart. Failure to pay the pro-rata share in advance of the city authorizing the work to commence shall subject the owners of the benefitted property to liability for the pro-rata share, interest at 8% per annum from the date due and reasonable attorney fees for all action to collect the obligation. Any judgment obtained against the benefitted property owners for the pro-rata share, interest and attorney fees shall be recorded as a lien upon the real estate benefitted by the water main extension project.

(Ord. 97-52, § 23-6)

§ 52.25 AMOUNT PAID BY CITY.

(A) The city shall pay a maximum amount of 50% of the cost of a resident requested water improvement project. The city shall pay this maximum amount whenever an approved water improvement project is constructed in an area where 50% or more of the property served (measured either by frontage or area) is vacant and developable.

(B) If less than 50% of the property served is vacant and developable, the amount of a resident requested water improvement project which the city shall pay shall be the same as the percentage of the vacant and developable property to a minimum of 20% of the cost of the resident requested water improvement project.

(Ord. 97-52, § 23-7)

§ 52.26 MANDATORY REIMBURSEMENT TO CITY PRIOR TO SUBDIVISION APPROVAL.

(A) In cases where vacant unsubdivided property is served by a new water improvement, the owners of the property shall be obligated to reimburse the city the pro-rata share of the cost of the improvement, based upon the method used to assess the pro-rata share prior to the property receiving final subdivision approval.

(B) The amount of the obligation shall be increased annually until paid, by an amount equivalent to 80% of the consumer price index, to account for the increased value of the improvement.

(Ord. 97-52, § 23-8)

§ 52.27 PRIORITIZATION CRITERIA.

Resident initiated water improvement projects shall be prioritized along with other necessary public works projects using the following criteria in order of importance:

(A) Water quality health related;

- (B) Fire protection needs;
 - (C) Cost/benefit analysis;
 - (D) Percentage of developable property and likelihood of development;
 - (E) Water quality aesthetic related; and
 - (F) Progression.
- (Ord. 97-52, § 23-9)

Section

Sewer Use Generally

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SEWER USE GENERALLY

§ 53.001 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20°C.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning 3 feet outside the building wall.

(1) **BUILDING DRAIN, STORM.** A building drain which conveys stormwater or other clearwater drainage, but no wastewater.

(2) **SANITARY BUILDING DRAIN.** A building drain which conveys sanitary or industrial sewage only.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal (also called house connection).

(1) **SANITARY BUILDING SEWER.** A building sewer which conveys sanitary or industrial sewage only.

(2) **STORM BUILDING SEWER.** A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term “substantial degree” is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (1) Chemical oxygen demand;
- (2) Total organic carbon;
- (3) Phosphorus and phosphorus compounds;
- (4) Nitrogen and nitrogen compounds; and

(5) Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

COMPOSTABLE MATERIAL. Leaves, grass clippings, tree limbs, other yard waste.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indication of pollution.

FLOATABLE OIL. Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

INFILTRATION. The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. **INFILTRATION** does not include and is distinguished from “inflow”.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW. The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage. **INFLOW** does not include and is distinguishable from “infiltration”.

INSPECTOR. The person or persons duly authorized by the city through its Board of Public Works and Safety, to inspect and approve the installation of building sewers and their connection to the public sewer system.

MAJOR CONTRIBUTING INDUSTRY. An industry that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts, as defined in standards issued under § 307(a) of Pub. L. No. 92-500; or
- (4) Has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

NPDES PERMIT. A permit used under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States, pursuant to § 402 of Pub. L. No. 92-500.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NORMAL DOMESTIC SEWAGE. The same meaning as defined in §§ 53.070 *et seq.*

pH. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

PERSON. Any individual, firm, company, association, society, corporation or group discharging any wastewater to the treatment works.

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

PRIVATE SEWER. A sewer which is not owned by a public authority.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with not particle greater than 1/2 inch in any dimension.

PUBLIC SEWER. A sewer which is owned and controlled by the public authority and will consist of the following increments:

(1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(2) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.

(3) **INTERCEPTOR SEWERS.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(4) **PUMPING STATION.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

SANITARY SEWER. A sewer which carries sanitary and industrial wastes, and to which storm, surface and groundwater are not intentionally admitted.

SEWAGE. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The 3 most common types of sewage are:

(1) **COMBINED SEWAGE.** Wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

(2) **INDUSTRIAL SEWAGE.** A combination of liquid and water-carried wastes, discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

(3) **SANITARY SEWAGE.** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

SEWAGE WORKS. The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory; **MAY** is permissive.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STORM SEWER. A sewer for conveying water, groundwater or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

SUPERINTENDENT. The Superintendent of the municipal sewage works of the city or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in *Standards* pursuant to § 307(a) of Pub. L. No. 92-500.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

VOLATILE ORGANIC MATTER. The material in the sewage solids transformed to gases or vapors when heated to 550°C for 15 to 20 minutes.

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

(Prior Code, § 17-1) (Ord. 1798, § 1; Ord. 93-33, § 1-1)

§ 53.002 PROHIBITED DISCHARGES.

(A) It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human excrement, garbage or other objectionable waste.

(B) No person shall discharge or cause to be discharged to any sanitary sewer or combined sewer, either directly or indirectly, stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial water. The city shall require the removal of unpolluted wastewater collection or treatment facility if the removal is cost effective and in the best interests of all users of those facilities.

(C) Stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, with the specific permission of the city.

(D) No new connection shall be made unless there is capacity available to all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and suspended solids.

(E) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the city, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(F) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(G) Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

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

(I) Property owners whose property line is within 300 feet of an available sanitary sewer may not be required to connect and may continue to use their existing septic system if, and only if, the connection will create extreme hardship.

(1) Extreme hardship is to be determined by the Board of Public Works and Safety, upon recommendation of at least 2 of 3 following persons: The Building Official, the city's Engineer and the city's Council person in whose district is located the property in question; including the at-large Council person, the persons are to take into account the following factors:

(a) Whether the connection of the property was included in the 1985 wastewater facilities improvement project master plan;

(b) Whether easements exist through which to run the connection or whether the connection would be run through private property, other than that of the person petitioning for the extreme hardship exception;

(c) The cost of the connection;

(d) The engineering feasibility and practicality of the connection; and

(e) The general health, welfare and safety of the rest of the community.

(2) Extreme hardship exceptions will be granted only for existing buildings with a properly operating septic system or septic system that can be properly operating within 30 days. If the septic system is not properly operating after 30 days of the granting of the hardship exception, the exception will be automatically revoked.

This division will apply only to existing structures and the structure for which permits are issued after the ordinance codified in this division is in full force and effect shall be affected by this division. (Prior Code, § 17-2) (Ord. 1798, § 2; Ord. 2008)

§ 53.003 CONNECTION TO SEWER.

(A) *Permit required; fees.*

(1) 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 Clerk-Treasurer.

(2) There shall be 2 classes of building sewer permits: For residential and commercial service, and for service to establishments producing material wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee as set out in the Fee Schedule of this code for a residential or commercial building sewer permit and a fee as set out in the Fee Schedule of this code for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time application is filed.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as 1 building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

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

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the city, on the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(10) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his or her representative.

(11) All excavations for building sewer installation must 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 city.
(Prior Code, § 17-3) (Ord. 1798, § 3)

(B) *Tap-in fee; sewer connection fee structure.*

(1) The R.W. Armstrong tap-in fee recommendations of the City of Hobart, Indiana, dated July 31, 1990, and schedules, charts and exhibits thereto are incorporated herein, by reference.

(2) The sewer connection fee structure of the City of Hobart, Indiana shall be as follows.

(a) For all buildings and facilities constructed pursuant to a building permit issued as of the date passage of this chapter, the connection fee will be determined by referring to the connection fee schedule.

(b) "Estimated average daily flow" and the resulting tap-in fee is to be determined by the amount ascribed to the establishment or facility as set forth in the connection fee schedule attached hereto and incorporated herein as part of this chapter. Should a facility not be listed, the City of Hobart sanitary district will use the flow ascribed to a facility comparable to and most nearly like that facility being contemplated. Should there be no facility comparable most nearly like an establishment listed in the schedule the average daily flow will and the resulting fee will be determined by the Board of Public Works and Safety and approved by the Sanitary District Board of Commissioners.

(3) The engineering review and inspection costs are to be as set out in the Fee Schedule of this code.

(4) Furthermore, it is ordered and decreed that all connection fees are to be collected at the time the connection permit is issued.

(5) The connection fees shall be reviewed annually during the month this chapter is originally enacted.

(6) The transportation/treatment capacity replacement connection fee schedule is as set out in the Fee Schedule of this code.

(7) Properties which are located outside the City of Hobart boundaries and connecting to the city municipal sanitary sewers shall pay 3 times the tabularized rate stated in the Transportation/Treatment Capacity Replacement Connection Fee Schedule as the tap-on fee.
(Prior Code, § 17-3.1) (Ord. 90-50; Ord. 93-66, §§ 1, 2; Ord. 96-35, § 2)

§ 53.004 PROHIBITED DISCHARGES.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;
- (3) Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works, or that interferes with any treatment process;
- (4) Solid or viscous substances in quantities or of a 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, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers and the like, either whole or ground by garbage grinders; and
- (5) Any leachate or any form of wastes, water or substances generated by a landfill process.

(B) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Superintendent the wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give 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 process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150°F or 65°C;
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 60 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F or 0 and 65°C;
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;
- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not;
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic

substances; or wastes exerting an excessive chlorine requirement, to the degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for the materials;

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

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

(8) Any waters or wastes having a pH in excess of 9.0;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

(d) Unusual volume of flow or concentration of wastes constituting "slugs", as defined in this chapter.

(10) 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 a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(C) (1) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (B) above, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges;

(b) Reject the wastes in whole or in part for any reason deemed appropriate by the city;

(c) Require pretreatment of the wastes to within the limits of normal sewage, as defined;

(d) Require control of flow equalization of such wastes so as to avoid any “slug” loads or excessive loads that may be harmful to the treatment works; or

(e) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating the wastes.

(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent 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 the owner at his or her expense.

(E) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. Agents of the city, the state water pollution control agencies and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(F) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods of the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole, except for application for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA and any subsequent revisions subject to approval by the city. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD suspended solids analysis are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(G) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible herewith.

(Prior Code, § 17-4) (Ord. 1798, § 4; Ord. 93-47, § 1)

§ 53.005 PRETREATMENT STANDARDS.

Pretreatment of industrial wastes from contributing industries prior to discharge to the treatment works is required and is subject to the EPA rules and regulations as contained in 40 C.F.R. pt. 403, entitled *General Pretreatment Regulations for Existing and New Sources of Pollution*, dated January 28, 1981, as amended. (Prior Code, § 17-5) (Ord. 1798, § 5)

§ 53.006 PLANS REQUIRED; RECORD KEEPING.

Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the city and no construction of the facilities shall be commenced until approval, in writing, is granted. Where the facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his or her expense and shall be subject to periodic inspection by the city to determine that the facilities are being operated in conformance with the applicable federal, state and local laws and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against city monitoring records.

(Prior Code, § 17-6) (Ord. 1798, § 6)

§ 53.007 UNPOLLUTED WATER; DISCHARGE.

Unpolluted water from air conditioners, cooling, condensing systems or swimming pools shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the city. Where a storm sewer is not available, discharge may be to a natural outlet approved by the city and by the State of Indiana. Where a storm sewer, combined sewer or natural sewer is not available, the unpolluted water may be discharged to a sanitary sewer pending written approval by the city.

(Prior Code, § 17-7) (Ord. 1798, § 7)

§ 53.008 PRETREATMENT.

Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clearwater shall be discharged in accordance with § 53.007.

(Prior Code, § 17-8) (Ord. 1798, § 8)

§ 53.009 TREATMENT WORKS; INFORMATION.

The city may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. The measurements, tests and analyses shall be made at the users' expense. If made by the city, an appropriate charge may be assessed to the user at the option of the city.

(Prior Code, § 17-9) (Ord. 1798, § 9)

§ 53.010 SAMPLING OF WASTEWATERS.

The strength of wastewaters shall be determined, for periodic establishment of charges provided for herein, from samplings taken at the aforementioned structure at any period of time and of a duration and in such manner as the city may elect or, at any place mutually agreed upon between the user and the city. Appropriate charges for sampling and analysis may be assessed to the user at the option of the city. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the city.

(Prior Code, § 17-10) (Ord. 1798, § 10)

§ 53.011 INTERCEPTORS; STANDARDS.

Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that the interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the city and shall be located so as to be readily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gastight, watertight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(Prior Code, § 17-11) (Ord. 1798, § 11)

§ 53.012 ACCIDENTAL DISCHARGE; NOTIFICATION.

Users of the treatment works shall immediately notify the city of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

(Prior Code, § 17-12) (Ord. 1798, § 12)

§ 53.013 COMPLIANCE WITH STANDARDS REQUIRED.

All provisions of this chapter and limits set herein shall comply with any applicable state and/or federal requirements now or projected to be in effect.

(Prior Code, § 17-13) (Ord. 1798, § 13)

§ 53.014 SEWER WORKS; DAMAGING PROHIBITED.

No unauthorized person shall maliciously, wilfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Prior Code, § 17-14) (Ord. 1798, § 14) Penalty, see § 53.999

§ 53.015 CITY'S RIGHT OF ENTRY.

(A) The Superintendent, inspector and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his or her representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required herein.

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works laying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property.
(Prior Code, § 17-15) (Ord. 1798, § 15)

§ 53.016 VIOLATION; NOTIFICATION.

Any person found to be violating any provision of this chapter, except § 53.015, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.
(Prior Code, § 17-16) (Ord. 1798, § 16)

§ 53.017 APPEALS.

Any differences that may arise between users and officials of the sewage works that cannot be resolved at that level may be appealed to the Board of Public Works and Safety of the city.
(Prior Code, § 17-17) (Ord. 1798, § 17)

§ 53.018 DISPOSAL OF COMPOSTABLE MATERIAL.

It is unlawful to place compostable material for collection by the city or to commingle compostable material with garbage, refuse, rubbish or recyclables placed for collection by the city.
(Prior Code, § 17-18) (Ord. 93-33, § 1-2)

SEWER CONNECTIONS

§ 53.030 APPLICATION; FEE; REQUIRED.

Any person desiring or required to connect his or her property to any of the city sewer lines of the city shall first obtain and fill out an application therefore in the office of the city's Engineer and shall pay a "tap-on" fee according to provisions contained in this subchapter.
(Prior Code, § 17-20) (Ord. 1805, § 1)

§ 53.031 AGREEMENT TO PAY.

The applicant shall agree to pay for sewer service at the rates provided by city ordinance and will comply with all other contractual provisions contained in the application form.

(Prior Code, § 17-21) (Ord. 1805, § 2)

§ 53.032 CONNECTION CHARGE; DETERMINATION.

(A) A base sewer connection charge shall be determined as set out in the Fee Schedule of this code.

(B) Extreme hardship is to be determined by the Board of Public Works and Safety, upon recommendation of at least 2 of the following 3 persons: the Building Official, the city's Engineer or the city's Council person in whose district is located the property in question, including the at-large Council person. The persons are to take into account the following factors:

(1) Whether the property is large enough to be subdivided at some date in the future; this determination must take into account the location of home and other outbuildings currently located on the property and the appropriate setbacks and yard lines required under current zoning; and

(2) Whether the property is currently subdivided into lots and if the home, building or other structure to be serviced by the city sewers is located on only 1 of those lots.

(Prior Code, § 17-22) (Ord. 1805, § 3; Ord. 2009)

§ 53.033 TAP-ON FEE; EXEMPTION.

Prior to the adoption of the ordinance codified in this subchapter, no person who has paid a district and local sewer assessment shall be charged a tap-on fee, and any person, having paid a district assessment only, shall pay a tap-on fee as set out in the Fee Schedule of this code per foot of average lot width, and any person, having paid a local assessment only, shall pay a tap-on fee as set out in the Fee Schedule of this code per foot of average lot width.

(Prior Code, § 17-23) (Ord. 1805, § 4)

§ 53.034 ADDITIONAL FEES.

The base connection charges outlined herein shall include a connection servicing 1 or 2 families resident in a single structure. Additional charges shall be as set out in the Fee Schedule of this code for a connection servicing 3 to 6 families, inclusive, resident in a single structure, and an additional charge as set out in the Fee Schedule of this code shall be made for a connection servicing 7 to 12 families, inclusive, resident in 1 structure.

(Prior Code, § 17-24) (Ord. 1805, § 5)

§ 53.035 FEE DISTRIBUTION.

The proceeds of the tap-on fees collected shall be used as follows:

(A) The first \$300,000 shall be applied toward the cost of construction of the Hobart 1985 wastewater facilities improvement project in connection with the federal construction grant project No. C-180462 and shall be used to retire the bonded indebtedness as created by Bond Ord. 1796, adopted April 10, 1985.

(B) All fees collected in excess of the \$300,000 shall be used as payment toward the cost of improving sewage works in the future.
(Prior Code, § 17-25) (Ord. 1805, § 6)

§ 53.036 PAYMENT OF FEES.

(A) All tap-on fees provided for in this subchapter shall be paid either in cash at the time the tap-on is made or over 12 equal monthly payments of 9% of the original fee each, the first is to be payable in the month next succeeding the month in which construction of the respective tap-on was made.

(B) Any property owner availing himself or herself of the monthly method of payment, as herein provided, shall sign a contract with the city authorizing and providing for the monthly method of payment.
(Prior Code, § 17-26) (Ord. 1805, §§ 7, 8)

PRIVATE SEWAGE DISPOSAL SYSTEMS**§ 53.050 DEFINITIONS.**

For the purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

HEALTH OFFICER. The legally designated health authority of the county or his or her authorized representative.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A sewage disposal system, other than a public or community system, which receives either human excreta or liquid waste, or both, from 1 or more premises. Included within the scope of this definition are septic tank soil absorption systems, and such other types as may be prescribed in regulations by the Health Officer.

PERMIT. A written permit issued by the Health Officer permitting the construction of an individual sewage disposal system under this chapter.

SEWAGE. Any combination of human excreta and wastewater from water closets, laundries, sinks, bathing facilities and other objectionable wastewater.
(Prior Code, § 17-30) (Ord. 614, § 1)

§ 53.051 STATE REGULATIONS; ADOPTION BY REFERENCE.

(A) Sewage disposal systems for private and business buildings shall be installed, constructed and maintained in an approved manner as described in bulletin S.E.8x13 of the state's Board of Health, copies of which are herewith incorporated by reference as a part of this section, and 2 copies of which are filed in the office of the city's Clerk-Treasurer and the county's Health Officer.

(B) Further, on site private sewage disposal requires in all cases that a plan be submitted that is subject to review and approval by the City Engineer. In the interest of public health, safety and welfare, the City Engineer has the authority to require connection to an off-site public sanitary system. An appeal of the City Engineer's determination is to be processed as referenced in § 53.017
(Prior Code, § 17-31) (Ord. 614, § 1; Ord. 2004-05)

§ 53.052 COUNTY HEALTH OFFICER; AUTHORITY.

(A) The county's Health Officer, in order to protect the health and safety of the people of the city and of the general public, is authorized and directed, after public hearing, to promulgate and amend, from time to time, regulations establishing minimum standards governing the design, construction, installation and operation of individual sewage disposal systems. The regulations shall establish the minimum standards as, in the judgment of the Health Officer, will ensure that the waste discharged to various individual sewage disposal systems:

- (1) Does not contaminate any drinking water supply;
- (2) Is not accessible to insects, rodents or other possible carriers of disease which may come in contact with food or drinking water;
- (3) Does not pollute or contaminate the waters of any bathing beach, shellfish breeding grounds or stream used for public or domestic water supply purposes or for recreational purposes;
- (4) Is not a health hazard by being accessible to children;
- (5) Does not give rise to a nuisance because of odor or unsightly appearance; and/or
- (6) Will not violate any other laws or regulations governing water pollution or sewage disposal.

(B) The Health Officer is authorized to promulgate such additional regulations as are necessary, in his or her judgment, to carry out the provisions of this chapter.
(Prior Code, § 17-32) (Ord. 614, § 2)

§ 53.053 CONSTRUCTION PERMITS.

(A) *Required.* Before commencement of construction of a private sewage disposal system, the owner or agent of the owner shall first obtain a written permit signed by the county's Health Officer.
(Prior Code, § 17-33)

(B) *Application; fee.*

(1) The application for a construction permit for a private sewage disposal system shall be made on a form provided by the county's Board of Health, which application shall be supplemented by plans, specifications and other information as deemed necessary by the county's Health Officer. A permit and inspection fee as set out in the Fee Schedule of this code shall be paid to the county's Board of Health at the time the application is filed.

(2) Applications for permits shall be in writing, shall be signed by the applicant and shall include the following:

(a) The name and address of the applicant;

(b) The lot and block number of the property on which such construction, alteration or extension is proposed;

(c) A complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of the Health Officer; and

(d) Such further information as may be required by the Health Officer to substantiate that the proposed construction, alteration or extension complies with the regulations promulgated by the county's Health Officer.

(Prior Code, § 17-34)

(C) *Plan submission.* The complete plan required to be submitted to the county's Health Officer for the purpose of obtaining a permit for a private sewage disposal system shall include:

(1) The number, location and size of all sewage disposal facilities to be constructed, altered or extended;

(2) The location of water supplies, water supply piping, existing sewage disposal facilities, buildings or dwellings and adjacent lot lines; and

(3) Plans of the proposed sewage disposal facilities to be constructed, altered or extended.
(Prior Code, § 17-35)

(D) *Inspection.* A permit for a private sewage disposal system shall not become effective until the installation is complete to the satisfaction of the county's Health Officer. He or she or his or her agent shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the county's Health Officer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the county's Health Officer.

(Prior Code, § 17-36)

(E) *Denial.* The Health Officer shall refuse to grant a permit for the construction of an individual sewage disposal system where public or community sewerage systems are reasonably available.

(Prior Code, § 17-37)

(F) *Denial; appeal.* Any person whose application for a permit under this subchapter has been denied may request a hearing and shall be granted the hearing on the matter before the county’s Health Officer within 30 days after the receipt of the request.

(Prior Code, § 17-38)

(Ord. 614, § 3)

§ 53.054 SYSTEM DEFECTS; DUTY TO CORRECT.

Should any defect exist or occur in any private or business sewage disposal system which would cause the sewage disposal system to fail to meet the requirements of this chapter and cause an unsanitary condition, the defect shall be corrected immediately by the owner or his or her agent or the occupant.

(Prior Code, § 17-39) (Ord. 614, § 2)

§ 53.055 COMPLIANCE WITH CHAPTER.

After receipt of an order in writing from the county’s Health Department, the owner, agent of the owner, occupant or agent of the occupant of the property shall comply with the provisions of this chapter as set forth in such order and within the time limits included therein. The order shall be served on the owner or the occupant or an agent of the owner; provided that, the order may be served on any person who by contact with the owner has assumed the duty of complying with the provisions of an order.

(Prior Code, § 17-40) (Ord. 614, § 2)

§ 53.056 ENFORCEMENT AUTHORITY.

The Health Officer or his or her agent, bearing proper credentials and identification, shall enforce this subchapter and regulations promulgated under this subchapter.

(Prior Code, § 17-41) (Ord. 614, § 4)

§ 53.057 HEALTH OFFICER; RIGHT OF ENTRY.

The owner or occupant of any property shall give the Health Officer free access to the property at reasonable times for the purpose of making the inspections as are necessary to determine compliance with the requirements of this subchapter and regulations promulgated under this chapter.

(Prior Code, § 17-42) (Ord. 614, § 4)

SEWER CHARGES

§ 53.070 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows.

BIOCHEMICAL OXYGEN DEMAND (BOD). The same meaning, as defined in § 53.001.

CITY. The City of Hobart, Indiana, acting by and through the Board of Public Works and Safety.

BOARD. The Board of Public Works and Safety of the city or any duly authorized officials acting in its behalf.

DEBT SERVICE COSTS. The average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

EXCESSIVE STRENGTH SURCHARGE. An additional charge which is billed to users for treating sewage wastes with an average strength in excess of “normal domestic sewage”.

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The same meaning as defined in § 53.001.

NORMAL DOMESTIC SEWAGE.

(1) For the purpose of determining surcharges, wastewater or sewage having an average daily concentration as follows:

- (a) BOD not more than 170 mg/l; and
- (b) SS not more than 200 mg/l.

(2) As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state and local requirements. (These costs include replacement.)

OTHER SERVICE CHARGES. Tap charges, connection charges, area charges and other identifiable charges other than user charges, debt service charges and excessive strength surcharges.

PERSON. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

REPLACEMENT COSTS. The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage works equipment to maintain the capacity and performance for which the works were designed and constructed.

SEWAGE. The same meaning as defined in § 53.001.

SEWER USE ORDINANCE. A separate and companion enactment to the ordinance codified in this subchapter, which regulates the connection to and use of public and private sewers. The sewer use ordinance is codified in §§ 53.001 *et seq.*

SUSPENDED SOLIDS (SS). The same meaning as defined in § 53.001.

USER CHARGE. A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works pursuant to § 204(b) of Pub. L. No. 92-500.

USER CLASS. The division of wastewater treatment customers by source, function, waste characteristics and process or discharge similarities (i.e., residential, commercial, industrial, institutional and governmental).

(1) **COMMERCIAL USER.** Any establishment involved in a commercial enterprise, business or service which based on a determination by the city discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(2) **GOVERNMENTAL USER.** Any federal, state or local governmental user of the wastewater treatment works.

(3) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

(4) **INSTITUTIONAL USER.** Any establishment involved in a social, charitable, religious and/or educational function which, based on a determination by the city discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(5) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for 1 or more persons, including all dwelling units and the like.
(Prior Code, § 17-50) (Ord. 1797, § 1)

§ 53.071 CLASS OF SERVICE.

(A) Every person whose premises are served by the sewage works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(B) User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

(C) The various classes of users of the treatment works for the purpose of this subchapter shall be as follows:

- (1) Class I - Residential;
- (2) Commercial;
- (3) Governmental;
- (4) Institutional; and

(5) Industrial.

(Prior Code, § 17-51) (Ord. 1797, § 2)

§ 53.072 RATES.

(A) For the use of the service rendered by sewage works, 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 city sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the city.

(B) The rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to the rates and charges, as the same is measured by the water meter there in use, plus a base charge, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service:

(a) *Table A.* See the Fee Schedule of this code.

(b) *Table B.* See the Fee Schedule of this code.

(2) The water meters shall be read bi-monthly and the users shall be billed monthly based on monthly estimated usage for the first month adjusted to actual in the second month. The water usage schedule on which the amount of the rates and charges shall be determined shall be as set out in Table A.

(C) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units, except as herein provided. Sewage service bills shall be rendered monthly. The schedule on which the rates and charges shall be determined is set out in Table B.

(D) For the service rendered to the city, the city shall be subject to the same rates and charges provided in Tables A and B located in the Fee Schedule, or to charges and rates established in harmony therewith. Properties which are located outside the City of Hobart boundaries and served by the sewage works of the city shall pay 3 times the tabularized rate as the user fee.

(E) In order to recover the cost of monitoring industrial wastes the city shall charge the user not less than the amount as set out in the Fee Schedule of this code per sample or cost thereof. This charge will be reviewed on the same basis as all other rates and charges in this subchapter.

(Prior Code, § 17-52) (Ord. 1797, § 3; Ord. 92-18, (part); Ord.96-35; Ord. 2000-17, § 1)

§ 53.073 SANITARY SEWERS; METERING RESPONSIBILITIES.

(A) The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the city shall be determined by the city in such manner as the city shall reasonably elect,

and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this section, the city may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the city that the quantities do not enter the sanitary sewerage system.

(B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the Gary-Hobart Water Corporation, its successors or assigns, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the city, then the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method or measurement acceptable to the city in order to ascertain the rates or charges provided in this subchapter.

(C) In the event a lot, parcel or real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the Gary-Hobart Water Corporation, its successors or assigns, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the city, then the owner or other interested parties shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city in order to ascertain the rates or charges provided in this subchapter.

(D) In the event 2 or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the city's sanitary sewerage 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 base charge and the flow 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 2 or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the city's sanitary sewerage 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 for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of dwelling units times \$5.85 monthly. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(F) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the city's sanitary sewerage system, either directly or indirectly, and uses water in excess of 10,000 gallons monthly, and it can be shown to the satisfaction of the city that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(G) In order that single-family domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, August and September, the billing for sewage services for residents and/or domestic users for the months of June, July, August and September shall be based upon the average water usage for the previous months of January, February, March and April. In the event the water usage for the previous months of January, February, March and April is greater than the water usage for the months of June, July, August and September, then the billing for sewage services shall be computed on the actual water

used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage services 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. The sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of the 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 water meter, and in such case the water usage as registered by the water meter serving the portion of the premises used for residential purposes would qualify under the sprinkling rate.

(Prior Code, § 17-53) (Ord. 1797, § 4)

§ 53.074 SEWERS; STRENGTHS AND CONTENT.

(A) In order that rates and charges may be justly and equitably adjusted to the service rendered to users, the city shall base its charges not only on the volume, but also on strength and character of the stronger than normal domestic sewage and wastes which it is required to treat and dispose of. The city shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner, by such method and at such times as the city may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the city at all times.

(B) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 170 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger than normal domestic waste shall be made on the following basis:

- (1) *Rate surcharge based upon suspended solids.* See the Fee Schedule of this code.
- (2) *Rate surcharge based upon BOD.* See the Fee Schedule of this code.

(C) The determination of suspended solids and 5-day biochemical oxygen demand contained in the waste shall be in accordance with the latest copy of *Standard Methods for the Elimination of Water, Sewage and Industrial Wastes*, as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with *Guidelines Establishing Test Procedures for Analysis of Pollutants*, 40 C.F.R. pt. 136, published in the Federal Register on October 13, 1973.

(Prior Code, § 17-54) (Ord. 1797, § 5)

§ 53.075 BILLING.

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

(A) The rates and charges for all users shall be prepared and billed monthly. Annually, each user shall be notified of the portion of the total billing charged for operation, maintenance and replacement for that user during the preceding year.

(B) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested, in writing, by the owner, but the billing shall, in no way, relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by the tenant or tenants; provided that, the examination shall be made at the office at which the records are kept and during the hours that the office is open for business.

(C) As is provided by statute, all rates and charges not paid by the tenth day of the month following receipt are declared to be delinquent and a penalty of 10% of the amount of the rates or charges shall thereupon attach thereto.

(Prior Code, § 17-55) (Ord. 1797, § 6)

§ 53.076 RATE REVIEW.

(A) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the city shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which the ordinance codified in this subchapter goes into effect. The study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the wastewater treatment systems.

(B) Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the city shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. The studies shall be conducted by officers or employees of the city or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the city shall determine to be best under the circumstances.

(Prior Code, § 17-56) (Ord. 1797, § 7)

§ 53.077 ENFORCEMENT AUTHORITY.

(A) The city shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the city's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage treatment works, the sewerage collection system and for the regulation, collection, rebating and refunding of the rates and charges.

(B) The city is authorized to prohibit dumping of wastes into the city's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the city, or to require methods

affecting pretreatment of the wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works or as may be contained in the EPA General Pretreatment Regulations, 40 C.F.R. part 403 and any amendments thereto or the city's pretreatment program plan.

(Prior Code, § 17-57) (Ord. 1797, § 8)

§ 53.078 APPEAL.

Any differences that may arise between users and officials of the sewage works that cannot be resolved at that level may be appealed to the Board of Public Works and Safety of the city.

(Prior Code, § 17-58) (Ord. 1797, § 9)

§ 53.079 SPECIAL RATE CONTRACTS.

The Board is further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and the reduction shall be limited to the reduced costs.

(Prior Code, § 17-59) (Ord. 1797, § 11)

§ 53.080 EFFECTIVE DATE OF SUBCHAPTER.

The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of the ordinance codified in this subchapter.

(Prior Code, § 17-60) (Ord. 1797, § 12)

§ 53.999 PENALTY.

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

(B) (1) Any person who shall continue any violation beyond the time limit provided in § 53.016(A) shall be guilty of a violation and, on conviction thereof, shall be fined in an amount not exceeding \$2,500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(2) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

(Prior Code, § 17-16) (Ord. 1798, § 16)

(C) Any person or entity violating § 53.004 shall be fined not less than \$2,500 for each and every day during which a prohibited discharge occurs and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Prior Code, § 17-61) (Ord. 93-47, § 2)