

ORDINANCE NO. 05-16-2017-1

AN ORDINANCE REVISING SECTION 51.44 OF CHAPTER V OF THE MUNICIPAL
ORDINANCE OF THE TOWN OF CICERO, INDIANA

WHEREAS, the Town of Cicero Wastewater Department (“Wastewater Department”) is a collection and treatment utility for wastewater and sanitary sewage and has compliance responsibility under the National Pollutant Discharge Elimination System (NPDES) and other environmental laws of the United States and State of Indiana; and,

WHEREAS, the Wastewater Department established an Inflow and Infiltration Reduction Program under Ord. 07-19-2011-1 requiring inspection, certification and enforcement procedures to prevent the discharge of clean water into the sanitary sewer and reduce the costs of negative environmental impact such discharges create; and,

WHEREAS, in April, 2016, the Town of Cicero was placed under an Agreed Order with the Indiana Department of Environmental Management per Case No. 2015-23421-W due to continued inflow and infiltration issues and violation said Agreed Order could result in fines of up to \$50,000 per day; and,

WHEREAS, some property owners have refused to comply with the inspection requirements of the Town of Cicero’s Inflow and Infiltration Reduction Program; and

WHEREAS, the Town of Cicero has determined that increased fines and penalties for non-compliance with inspection requirements are necessary to increase compliance, reduce inflow and infiltration, and to assist the Town of Cicero in meeting the terms of the Agreed Order with the Indiana Department of Environmental Management; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cicero, as follows:

1. Section 51.44, item C, part 2, of the Cicero Municipal Code is hereby revised to read as follows:

For residential customers (non-rentals), a \$20.00 per month sewer surcharge shall be imposed beginning sixty (60) days after the sale of the property, change of ownership or notification of violation (if not sold) if the I/I certification of compliance is not on file with the Wastewater Department. For all residential rentals, commercial, and industrial properties:

- A. A \$20.00 per month sewer surcharge shall be imposed beginning sixty (60) days after the sale of the property, change of ownership or notification of violation (if not sold) if the I/I certification of compliance is not on file with the Wastewater Department. A notification of violation after the date of issuance of a certification of compliance will render the certification on file null and void until deficiencies are corrected.
- B. The sewer surcharge shall be increased to \$100.00 per month beginning one hundred and eighty (180) days after the sale of the property, change of ownership or notification of violation (if not sold) if the I/I certification of compliance is not on file with the Wastewater Department. A notification of violation after the date of

issuance of a certification of compliance will render the certification on file null and void until deficiencies are corrected.

- C. The sewer surcharge shall be increased to \$200.00 per month beginning one hundred and three hundred and sixty (360) days after the sale of the property, change of ownership or notification of violation (if not sold) if the I/I certification of compliance is not on file with the Wastewater Department. A notification of violation after the date of issuance of a certification of compliance will render the certification on file null and void until deficiencies are corrected.

Such sewer surcharge shall be in addition to any and all other fines levied under existing ordinances.

2. Severability

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part or parts.

3. Effective Date

This Ordinance shall be in full force and effect upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Cicero on this _____ day of _____, 2017.

**TOWN COUNCIL OF THE TOWN OF
CICERO, INDIANA**

Chad B. Amos, President

Robert J. Miller, Vice-President

Brett S. Foster

Christopher J. Lutz

Craig S. Penwell

ATTESTED TO:

Janice L. Unger, Clerk-Treasurer