

3 **AN ORDINANCE AMENDING CHAPTER 51 OF**  
4 **THE CITY OF FORT WAYNE CODE OF ORDINANCES**

5 **WHEREAS**, pursuant to Indiana Code 36-9-23-25, the Common Council of the  
6 City of Fort Wayne Indiana has enacted a User Charge System and a Sewer Use  
7 Ordinance as contained in Chapter 51 of the Fort Wayne Code of Ordinances; and

8 **WHEREAS**, the Water Pollution Control Utility continues to evaluate its User  
9 Charge System and Sewer Use Ordinance to identify adjustments that need to be made;  
10 and

11 **WHEREAS**, the Water Pollution Control Utility has identified certain types of  
12 discharges that the Sewer Charge System and Sewer Use Ordinance do not address;  
13 and

14 **WHEREAS**, the Water Pollution Control Utility desires to make amendments to  
15 certain Sections in the Fort Wayne Code of Ordinances to address such discharges.

16 **NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**  
17 **CITY OF FORT WAYNE, INDIANA;**

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19 **SECTION 1.** That the following section of Chapter 51 of the Fort Wayne Code of  
20 Ordinances is added as a new section to the Fort Wayne Code of Ordinances, to read  
21 as follows:

22 **51.066.5 DISCHARGES OF NON-POTABLE WATER TO SANITARY SEWER**  
23 **SYSTEM**

24 (A) *Definition of Non-Potable Water.* As used in this Section, "Non-Potable  
25 Water" means any form of water that is not immediately fit for human consumption. The  
26 term includes, without limitation, stormwater, surface runoff, industrial process water,  
landfill water, and all other forms of untreated water.

27 (B) *Application of Section.* This Section does not apply to discharges from  
28 downspouts, yard drains, sump pumps, or geothermal systems. Discharges from those  
29 sources are governed by Section 51.074 and rules and regulations promulgated by the  
30

1 Fort Wayne Water Pollution Control Utility and the Fort Wayne Stormwater Utility.

2 (C) *Meter Required for Discharges of Non-Potable Water to Sanitary Sewer.*

3 The following provisions apply all non-potable water discharges to a sanitary sewer:

4 (1) If a property owner discharges non-potable water to the city's  
5 sanitary sewer system, the owner of the property from which the discharge  
6 occurs must install a meter on the discharge line for purposes of calculating the  
7 monthly sewage fees. Each discharge line shall serve only one property.

8 (2) The property owner shall be responsible for the cost of the meter  
9 and radio, as well as the installation of the meter and radio. Meter and radio  
10 costs are as follows:

Meter Size	Radio and Meter
1 ½"	\$3,184.23
2"	\$3,274.23
3"	\$3,449.23
4"	\$3,621.23
6"	\$4,025.23
8"	\$4,592.23
10"	\$5,139.23

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21 (3) Upon installation of a non-potable water meter, the fees for  
22 sewage service shall be based on the volume of water passing through the water  
23 meter as set forth in Section 51.065. The customer shall be responsible for all  
24 consumption and service charges set forth in Section 51.069, as well as any  
25 applicable capital surcharges as set forth in Section 51.075.

26 (D) *Temporary Non-Potable Water.* Any person who seeks to discharge non-  
27 potable water to the city's sanitary sewer system on a temporary basis (e.g., for a period  
28 not to exceed 180 days or such other period as is approved by the city) must request a  
29 temporary non-potable meter and obtain approval from City Utilities to discharge the  
30 non-potable water into the sanitary sewer. City Utilities shall be authorized to charge an  
administrative fee for temporary non-potable water discharges as well as consumption

1 charges based on the volume of water discharged to the sanitary sewer at the rates set  
2 forth in § 51.069.

3  
4 **SECTION 2.** That the following Section of Chapter 51 of the Fort Wayne Code  
5 of Ordinances is deleted and replaced with the following:

6 **51.067 EXEMPT WATER – GENERAL (delete existing and replace)**

7 (A) Where a significant portion of the metered water used in commercial,  
8 manufacturing, or industrial processes does not and cannot enter the sewerage system,  
9 either directly or indirectly, the person having charge of the property may request  
10 permission from the utility to install, at the user's expense, a meter or meters to  
11 determine the quantity of water that cannot enter the sewerage system or an approved  
12 sewage measuring device or devices to determine the volume of sewage that actually  
13 enters the sewerage system. If the utility approves the request, the following provisions  
14 shall apply:

15 (1) The customer shall purchase the meter(s) directly from the utility  
16 or seek the utility's pre-approval to use alternative meter(s). The customer shall  
17 use the utility's radio which must be installed by the utility. Below are the costs  
18 for the utility's meters and radios. The costs include the meter and installation of  
19 radio only. The meter charge and monthly meter fee shall commence upon  
20 receiving the meter.

Meter Size	Radio	Meter	Radio and Meter
5/8" x 3/4"	\$215.65	\$314.68	\$364.51
3/4"	\$215.65	\$351.18	\$401.01
1"	\$215.65	\$382.85	\$432.67
1 1/2"	\$215.65	\$681.90	\$731.73
2"	\$215.65	\$874.23	\$924.06
3"	\$215.65	\$1,815.90	\$1,865.73
4"	\$215.65	\$1,805.90	\$1,855.73
6"	\$215.65	\$3,663.90	\$3,713.73
8"	\$215.65	\$4,285.90	\$4,335.73
10"	\$215.65	\$7,454.90	\$7,504.73
Hot Water Meter			
5/8" x 3/4"	\$215.65	\$598.38	\$653.38
1"	\$215.65	\$969.52	\$1,024.52

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28 (2) The meter shall be installed by the customer or its agent in  
29 accordance with the utility's installation specifications and plans for installation  
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1 (including location of where the meter(s) will be installed) shall be submitted to  
2 the utility and approved prior to installation. The customer shall pay a monthly  
3 fee per meter/radio, as follows:

Meter Size	Monthly Meter Fee
5/8" x 3/4"	\$8.38
3/4"	\$8.71
1"	\$9.00
1 1/2"	\$11.93
2"	\$13.78
3"	\$22.81
4"	\$22.71
6"	\$40.54
8"	\$46.51
10"	\$76.92

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12 The monthly fee amount may be adjusted by the utility on an annual basis to  
13 reflect increases in the Consumer Price Index for All Urban Consumers, U.S.  
14 City Average, for all items, 1982-84=100 (CPI-U).

15 (B) In the absence of verifiable data from an approved meter confirming the  
16 amount of water that passed through the water meter but did not enter the sewer  
17 system, all water passing through the master water meter will be presumed to have  
18 entered the sewer system for billing purposes. A customer that engages in water  
19 submetering shall not be entitled to have sewage billings based on the sum of water  
20 passing through all of the separate water meters.

21 **SECTION 3.** That all other provisions in Chapter 51 of the Fort Wayne Code of  
22 Ordinances shall remain in full force and effect.

23 **SECTION 4.** That this Ordinance shall be in full force and effect from and after  
24 its passage and any all necessary approval by the Mayor.

25   
26 \_\_\_\_\_  
27 Council Member

28 APPROVED AS TO FORM AND LEGALITY

29   
30 \_\_\_\_\_  
31 Malak Heiny, City Attorney

## CHAPTER 51: SEWERS

### Section

#### ***General Provisions***

- 51.001 Definitions
- 51.002 Damage to city property prohibited
- 51.003 Dilution
- 51.004 Accidental discharges

#### ***Connections and Extensions***

- 51.015 Requirements for connection to public sewers
- 51.016 Extensions of sewers outside corporate limits
- 51.017 Connections to sewerage system by certain properties outside corporate limits

#### ***Commercial and Industrial Wastes and Discharges***

- 51.030 Prior approval for certain wastes
- 51.031 Pretreatment facilities; approval of proposed plans; operation
- 51.032 Federal pretreatment standards
- 51.033 Prohibited discharges and limitations
- 51.034 Responsibility for obstruction or damage to sewers
- 51.035 Submission of data on industrial waste, industrial waste discharge

### permits

- 51.036 Confidential information
- 51.036.5 User inventories from contributing municipalities
- 51.037 Control manholes
- 51.038 Grease and sand traps
- 51.039 Inspections; waste sampling
- 51.040 Waste analysis procedures and charges
- 51.041 Use of representative analysis

#### ***Private Sewage Disposal***

- 51.050 Definitions
- 51.051 Sewage disposal
- 51.052 Construction requirements of private sewage disposal systems
- 51.053 Construction permit
- 51.054 Installers registration
- 51.055 Inspection
- 51.056 Maintenance and sampling
- 51.057 Economic hardship
- 51.058 Denial; suspension; revocation
- 51.059 Penalties

#### ***Sewer Rates and Charges***

- 51.065 Charges based upon water usage/flat charges
- 51.066 Water obtained from sources other than city's water utility
- 51.066.5 **DISCHARGES OF NON-POTABLE WATER TO SANITARY SEWER**

### **SYSTEM**

- 51.067 Exempt water; general
- 51.068 Metering of sewage
- 51.068.5 Deposit to ensure payment of sewer fees; refunds; forfeitures; uses

- 51.069 Metered retail user charges
- 51.070 Flat retail user charges
- 51.071 Continuing surveillance sampling/waste evaluation charges
- 51.072 Strength of waste surcharge
- 51.073 Bulk waste charges
- 51.073.5 City Utilities Grease Cooperative
- 51.074 Other rates and charges
- 51.075 Monthly capital improvement surcharge
- 51.076 Area connection fees
- 51.077 Contract customers

***Delinquent Accounts; Billing of Service Charges***

- 51.090 Billing period
- 51.091 Liability for payment; examination of utility records
- 51.092 First billings
- 51.093 City subject to charge
- 51.094 Consolidation of accounts
- 51.095 Notice of capital surcharge
- 51.096 Delinquent accounts; penalties
- 51.097 Termination of water service due to delinquency
- 51.098 Termination of sewer service due to delinquency
- 51.099 Delinquent fees and penalties as liens; duplicates; collection
- 51.100 Collection through court action

***Administration and Enforcement***

- 51.110 Rules and regulations; Board of Works authority
- 51.111 Enforcement
- 51.112 Sewerage Works Improvement Fund

51.999 Penalty for violation

***Editor's note:*** *Ord. G-17-91 and amending Ord. G-25-91 and Ord. G- 35-92 made substantive changes to the sections of this chapter where they are recorded in the section history. These ordinances are not included in the section history where the section was only renumbered using the enumeration of the 1974 Code, which is obsolete in this edition of the code of ordinances.*

**§ 51.066.5 DISCHARGES OF NON-POTABLE WATER TO SANITARY SEWER SYSTEM.**

(A) *Definition of Non-Potable Water.* As used in this Section, "Non-Potable Water" means any form of water that is not immediately fit for human consumption. The term includes, without limitation, stormwater, surface runoff, industrial process water, landfill water, and all other forms of untreated water.

(B) *Application of Section.* This Section does not apply to discharges from downspouts, yard drains, sump pumps, or geothermal systems. Discharges from those sources are governed by Section 51.074 and rules and regulations promulgated by the Fort Wayne Water Pollution Control Utility and the Fort Wayne Stormwater Utility.

(C) Meter Required for Discharges of Non-Potable Water to Sanitary Sewer. The following provisions apply all non-potable water discharges to a sanitary sewer:

(1) If a property owner discharges non-potable water to the city's sanitary sewer system, the owner of the property from which the discharge occurs must install a meter on the discharge line for purposes of calculating the monthly sewage fees. Each discharge line shall serve only one property.

(2) The property owner shall be responsible for the cost of the meter and radio, as well as the installation of the meter and radio. Meter and radio costs are as follows:

<u>Meter Size</u>	<u>Radio and Meter</u>
<u>1 ½"</u>	<u>\$3,184.23</u>
<u>2"</u>	<u>\$3,274.23</u>
<u>3"</u>	<u>\$3,449.23</u>
<u>4"</u>	<u>\$3,621.23</u>
<u>6"</u>	<u>\$4,025.23</u>
<u>8"</u>	<u>\$4,592.23</u>
<u>10"</u>	<u>\$5,139.23</u>

(3) Upon installation of a non-potable water meter, the fees for sewage service shall be based on the volume of water passing through the water meter as set forth in Section 51.065. The customer shall be responsible for all consumption and service charges set forth in Section 51.069, as well as any applicable capital surcharges as set forth in Section 51.075.

(D) Temporary Non-Potable Water. Any person who seeks to discharge non-potable water to the city's sanitary sewer system on a temporary basis (e.g., for a period not to exceed 180 days or such other period as is approved by the city) must request a temporary non-potable meter and obtain approval from City Utilities to discharge the non-potable water into the sanitary sewer. City Utilities shall be authorized to charge an administrative fee for temporary non-potable water discharges as well as consumption charges based on the volume of water discharged to the sanitary sewer at the rates set forth in § 51.069.

**§ 51.067 EXEMPT WATER - GENERAL.**

(A) Where a significant portion of the metered water used in commercial, manufacturing, or industrial processes does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the utility to install, at the user's expense, a meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage measuring device or devices to determine the volume of sewage that actually enters the sewerage system. If the utility approves the request, the following provisions shall apply:

(1) The customer shall purchase the meter(s) directly from the utility or seek the Utility's preapproval to use alternative meter(s). The customer shall use the utility's radio which must be installed by the utility. Below are the costs for the utility's meters and radios. The costs include ~~delivery of the meter and installation of radio only.~~ The meter charge and monthly meter fee shall commence upon receiving the meter.

<i>Meter Size</i>	<i>Radio</i>	<i>Meter</i>	<i>Radio and Meter</i>
5/8" x 3/4"	<del>\$215.65</del> \$198.01	<del>\$314.68</del> \$280.03	<del>\$364.51</del> \$361.53
3/4"	<del>\$215.65</del> \$198.01	<del>\$351.18</del> \$314.68	<del>\$401.01</del> \$396.18
1"	<del>\$215.65</del> \$198.01	<del>\$382.85</del> \$344.85	<del>\$432.67</del> \$426.35
1 1/2"	<del>\$215.65</del> \$198.01	<del>\$681.90</del> \$650.23	\$731.73
2"	<del>\$215.65</del> \$198.01	<del>\$874.23</del> \$842.56	\$924.06
3"	<del>\$215.65</del> \$198.01	<del>\$1,815.90</del> \$1,784.23	\$1,865.73
4"	<del>\$215.65</del> \$198.01	<del>\$1,805.90</del> \$1,774.23	\$1,855.73
6"	<del>\$215.65</del> \$198.01	<del>\$3,663.90</del> \$3,632.23	\$3,713.73
8"	<del>\$215.65</del> \$198.01	<del>\$4,285.90</del> \$4,254.23	\$4,335.73
10"	<del>\$215.65</del> \$198.01	<del>\$7,454.90</del> \$7,423.23	\$7,504.73
<i>Hot Water Meter</i>			
5/8" x 3/4"	<del>\$215.65</del>	<del>\$598.38</del>	<del>\$653.38</del>
1"	<del>\$215.65</del>	<del>\$969.52</del>	<del>\$1,024.52</del>

(2) The meter shall be installed by the customer or its agent in accordance with the utility's installation specifications, and plans for installation (including location of where the meter(s) will be installed) shall be submitted to the utility and approved prior to installation.

~~(3) Once a meter and radio reading device has been installed, the utility will assume responsibility general maintenance and upgrades. Provided, however if a meter or radio is damaged and the utility determines the damage was caused by the customer, the customer shall be responsible for the cost of a replacement meter and/or radio.~~

~~(4) The customer shall pay a monthly fee per meter/radio, as follows:~~

<i>Meter Size</i>	<i>Monthly Meter Fee</i>
-------------------	--------------------------

5/8" x 3/4"	<u>\$8.38</u> <del>\$7.28</del>
3/4"	<u>\$8.71</u> <del>\$7.57</del>
1"	<u>\$9.00</u> <del>\$7.82</del>
1 1/2"	<u>\$11.93</u> <del>\$10.36</del>
2"	<u>\$13.78</u> <del>\$11.96</del>
3"	<u>\$22.81</u> <del>\$19.81</del>
4"	<u>\$22.71</u> <del>\$19.73</del>
6"	<u>\$40.54</u> <del>\$35.21</del>
8"	<u>\$46.51</u> <del>\$40.39</del>
10"	<u>\$76.92</u> <del>\$66.80</del>

The monthly fee amount may be adjusted by the utility on an annual basis to reflect increases in the Consumer Price Index for All Urban Customers, U.S. City Average, for all items, 1982-84 = 100(CPI-U).

(B) In the absence of verifiable data from an approved meter confirming the amount of water that passed through the water meter but did not enter the sewer system, all water passing through the master water meter will be presumed to have entered the sewer system for billing purposes. A customer that engages in water submetering shall not be entitled to have sewage billings based on the sum of water passing through all of the separate water meters.

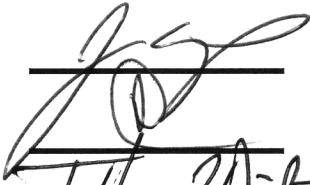
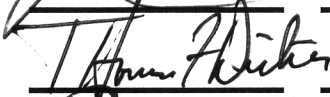



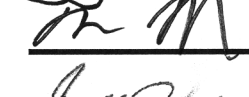
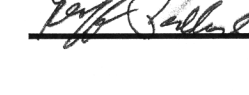
('74 Code, § 24-27) (Ord. G-16- 86, passed 4-22-86; Am. Ord. G- 17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-12-09, passed 5-26-09; Am. Ord. G-6-12, passed 2-28-12; Am. Ord. G-12-13, passed 6-11-13; Am. Ord. G-16-14, passed 7-8-14; Am. Ord. G-6-20, passed 2-25-20)

**BILL NO. G-22-11-28**

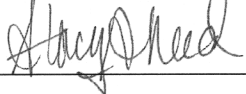
**REPORT OF COMMITTEE ON REGULATIONS  
December 6, 2022**

***Paul Ensley Chair***  
***Tom Freistroffer Co-Chair***  
***All Council Members***

An Ordinance amending Chapter 51 of the Fort Wayne, Indiana Code of Ordinances

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**STACY A. REED**  
**DEPUTY CITY CLERK**

  
\_\_\_\_\_

Public Hearing Date: N/A

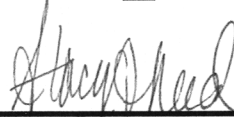
Read the first time in full and on motion by Councilperson Ensley.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Ensley, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: December 13, 2022

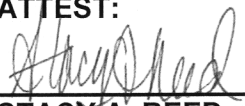


STACY A. REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as


General Ordinance No. G-22-11-28 on the 13th day of December, 2022

ATTEST:

  
STACY A. REED  
DEPUTY CITY CLERK

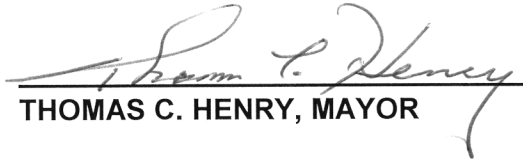
  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of December 2022, at the hour of 9:25 o'clock A.M. E.S.T.



STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 15<sup>TH</sup> day of December 2022, at the hour of 11:00 o'clock Am E.S.T.

  
THOMAS C. HENRY, MAYOR

