

ORDINANCE NO. 2026-01
AN ORDINANCE AMENDING THE SEWER USE ORDINANCE

WHEREAS, the Town of Thorntown (“Town”) operates and maintains a sanitary sewer system for its residents; and

WHEREAS, the Town has established rules and regulations regarding the use of the Town’s sanitary sewer system, which are codified in Chapter 52 of the Thorntown Code of Ordinances (the “Sewer Use Ordinance”); and

WHEREAS, the Indiana Department of Environmental Management (“IDEM”) maintains regulations and requirements regarding the operation of municipal sanitary sewer systems; and

WHEREAS, in order to comply with current applicable IDEM and federal regulations, the Town Council of the Town of Thorntown (“Town Council”) now finds that certain provisions in the Sewer Use Ordinance need to be amended; and

WHEREAS, IDEM has approved the amendments to the Sewer Use Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF THORNTOWN, INDIANA, THAT:

Section 1. Section 52.020 Prohibited Discharge Standards, subsection B(h) shall be repealed in its entirety and replaced as follows:

(h) Trucked or hauled pollutants, except with permission and only at discharge points designated by the Superintendent;

Section 2. Section 52.099 Reports of Changed Conditions shall be repealed in its entirety and replaced as follows:

§ 52.099 REPORTS OF CHANGED CONDITIONS.

Each user must notify the Superintendent of any significant changes to the user’s operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

(A) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.059.

(B) The Superintendent may issue an individual wastewater discharge permit under § 52.080 or modify an existing wastewater discharge permit under § 52.077 in response to changed conditions or anticipated changed conditions.

(C) The Superintendent may accept, deny, or condition, any new or increased discharges from any industrial discharger.

Section 3. Section 52.135 Notification of Violation shall be repealed in its entirety and replaced as follows:

§ 52.135 NOTIFICATION OF VIOLATION.

(A) INFORMAL NOTIFICATION OF VIOLATION When the Superintendent finds that a user that is normally in good standing has violated any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve may issue an informal notice of violation consisting of a telephone call, site visit, or informal discussion.

(B) FORMAL NOTICE OF VIOLATION When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written notice of violation. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

Section 4. Section 52.155 Judicial Enforcement Remedies shall be repealed in its entirety and replaced as follows:

§ 52.155 JUDICIAL ENFORCEMENT REMEDIES

(A) INJUNCTIVE RELIEF When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent or the town may petition the County Circuit Court, through the Town's Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater

discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(B) CIVIL AND CRIMINAL PENALTIES utilized to define several courses of action, including civil suits and/or civil penalties, criminal suits, etc. these types of actions would all involve the courts and would follow the procedures necessary for due process.

Section 5. Section 52.999 Penalty shall be repealed in its entirety and replaced as follows:

§ 52.999 PENALTY.

(A) (1) A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the town for a maximum civil penalty of \$2,500 per violation, per day, and no more than \$7,500.00 per day per violation for subsequent violations. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The Superintendent or the town may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the town.

(3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(B) Pursuant to § 52.140, when the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent or the town may fine such user in an amount not to exceed \$2,500. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(C) Pursuant to §§ 52.170 through 52.176, a penalty of \$50 shall be assessed to any user for each day that a report required by §§ 52.170 through 52.176, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the

Superintendent to collect late reporting penalties shall not limit the Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

Section 6. This Ordinance shall be in full force and effect after its adoption and publication according to law.

SIGNATURES ON FOLLOWING PAGE

Passed by the Town Council of the Town of Thorntown, Indiana, this _____ day of
_____, 2026.

THORNTOWN TOWN COUNCIL
THORNTOWN, INDIANA

President

Member

Member

Member

Member

ATTEST:

Aly Hickman, Clerk/Treasurer