ORDINANCE 1591

AN ORDINANCE AMENDING TITLE 13.12.078 OF THE CODE OF ORDINANCES OF THE CITY OF BLUFFTON, INDIANA

WHEREAS, the Common Council ("**Council**") of the City of Bluffton, Indiana ("**City**") has authority under the Acts of the Indiana General Assembly to make all necessary regulations for the preservation of the rights, property, health, safety and welfare of its citizens;

WHEREAS, the Council has reviewed Title 13, Chapter 12, Section 078 of the Code of Ordinances ("**Code**") of the City to address necessary changes to comply with requirements of the Indiana Department of Environmental Management ("**IDEM**");

WHEREAS, the City Engineer has recommended changes to §13.12.078 of the Code in the form and substance as provided in **Exhibit A** attached to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA, AS FOLLOWS:

Section 1: *Section 13.12.078* of the Code of Ordinances of the City of Bluffton, Indiana, is hereby amended and replaced in its entirety with **Exhibit A** attached to this Ordinance.

Adopted by the Common Council of the City of Bluffton, Indiana, this 6th day of June 2023, by the following vote:

AYES 5, to-wit:	NAYS ___, to-wit:	ABSENT ___, to-wit:

Mayor John S. Whicker, Presiding Officer

ATTEST:

Tamara D. Runyon, IAMC, MMC, CPFA
City Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, at 6:30 o'clock p.m. this 6th day of June, 2023.

Tamara D Runyon
Tamara D. Runyon, IAMC, MMC, CPFA
City Clerk-Treasurer

Approved by me this 6th day of June, 2023.

Mayor John S. Whicker

EXHIBIT A

13.12.078 BACK FLOW DEVICES

The Indiana Department of Environmental Management (IDEM) considers any discharge of wastewater from the sanitary sewer system to be a Sanitary Sewer Overflow (SSO). All such events, even backups into basements, are considered violations and must be reported to IDEM. In an effort to reduce the number of SSO events and to prevent damage to property it is recommended to make mandatory the installation of backflow devices.

Installation of a backflow prevention device shall be required for the following conditions:

- All buildings where the elevation of any floor is at or below the invert of the City sanitary sewer main.
- If a plug in the City sanitary sewer main will cause the hydraulic grade line to rise above the lowest floor level.
- Areas where the lowest building level to be served by gravity sanitary sewer service is less than one foot (1') above the top of the manhole casting elevation of the first upstream manhole on the public sewer.

Failure of the owner to install a backflow prevention device as a result of any of the above conditions shall relieve the City of any and all responsibilities for any and all damage caused by SSO's. Owner must provide documentation that the conditions are met and backflow prevention is not warranted.

The City shall not be responsible for any loss or damage caused by improper or defective installation of sewer laterals that have not been inspected and approved. All such installations of sewer laterals shall conform to all federal, state, county and District laws, rules, regulations and ordinances.

The City shall not be responsible for failure of the backflow prevention device for any reason, including, but not limited to, manufacturer's defect, improper installation, or failure of the property owner to properly maintain the sewer lateral or the backflow prevention device.

The property owner shall perform routine maintenance on the sewer lateral including such maintenance as is necessary to prevent the failure of the backflow device due to the accumulation of debris, foliage and other foreign particles. See manufacturer's recommendation for maintenance schedule. The City suggests that the backflow device be inspected, at a minimum, on a semiannual basis.

For those property owners which have existing sewer service laterals that do not have a backflow device for the outlined conditions, the City shall not be liable for any damages to real or personal property of the owner or any personal injury of the owner or the occupants of such real property due to the backflow of sewage from the main City sewer lines.