**GENERAL ORDINANCE NO. 4, 2024**

**BEING AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 2 AND 3**

**OF THE WABASH CITY CODE FOR THE CITY OF WABASH, INDIANA**

**MAKING CHANGES REGARDING SANITARY AND STORMWATER SEWERS IN THE CITY OF WABASH, INDIANA**

**WHEREAS** the City of Wabash operates both a sanitary and stormwater sewer system that includes a significant amount of underground pipes, mains, manholes and other related infrastructure herein after “sewer facilities;” and

**WHEREAS** various property owners, utilities, contractors and other persons and entities, hereinafter “developers,” from time to time dig, bore, drill, or otherwise disturb the ground in, around, above and under the sewer facilities, where such work can and does, from time to time, cause damage to the sewer facilities; and

**WHERAS** the City desires to protect its sewer facilities by requiring a permitting system intended to assure that developers take sufficient care when disturbing the ground anywhere the city’s sewer facilities may be located, and further assure that developers have sufficient ability to repair any damage caused by developers; and

**WHEREAS** it has always been understood that the infrastructure that carries sanitary and stormwater waste from the private property of a landowner to the main which is part of the City’s sewer facilities belongs to the private property owner who is responsible for its construction, maintenance, repair, replacement and removal; and

**WHEREAS** the Wabash City Code only implies but does not explicitly state that the private property owner is responsible for the construction, maintenance, repair, replacement and removal of the infrastructure which carries the sanitary and stormwater from his property to the City’s sewer facilities;

**NOW THEREFORE BE IT HEREBY ORDAINED** that Chapter 7, Article 5, Division III is amended as follows:

**SECTION 1.** Section 7-41 is amended as follows:

1. The words “or for any excavation by a public utility company where such installation or excavation is made in conjunction with the placement, replacement, or repair of the service lines subject to the control of such public utility company” shall be deleted and the section shall then read “No building permit shall be required for the installation of overhead electrical power wires of a public utility company.”
2. A new subparagraph d. shall be added that reads as follows:  
     
   “d. Any excavation, including digging, boring, drilling, or other disturbance of the ground by any person or entity may only be done after being granted a permit from the Building Commissioner for the City of Wabash. There shall be no fee required for such permit from a public utility doing maintenance, repair or replacement work on already established buried lines, but the permit cannot be granted until the applicant has provided (1) a certificate of insurance showing liability insurance in an amount no less than $2,000,000 to cover damage to the property of the City or other owners, and (2) a statement affirming that the applicant will not excavate, including dig, bore, drill, or make any other disturbance of the ground without first locating all underground sewer facilities owned by the City and all laterals, as defined by Section 7-60 hereinafter.”

**SECTION 2.**  Section 7-60 is deleted in its entirety and replaced with the following:

**Sec. 7-60. - Definitions.**

1. The term “public sewer”, as used in this chapter, means a sewer that has been accepted by the City of Wabash and is maintained by the city.
2. The term “sewer facilities” means any portion of the sanitary or storm water system built, owned, operated or maintained by the City. The term, however, does not include any laterals.
3. The term lateral, as used in this chapter, means any pipe or line that originates on property owned by an entity other than the City and that carries either sanitary sewer water or storm water from said property to a connection with the City’s sewer facilities at a main, manhole or other portion of the City’s sewer facilities located in a right of way, an easement or on property owned by the City.

**SECTION 3.** Section 7-63 is amended by replacing the following words “local sanitary sewer or combined sanitary and storm sewer or water main” with the words “local sanitary sewer, combined sanitary and storm sewer, dedicated stormwater sewer or water main”.

**SECTION 4.** Section 7-66 is amended by identifying the entire language currently in said section as subparagraph “a” and then by adding a new subparagraph b which reads as follows:

“b. The construction, maintenance, repair, replacement or removal, and the expense thereof, of any lateral coming from property owned by a person or entity other than the City is the sole responsibility of the property owner up to the point of its connection with the sewer facilities of the City.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WABASH, INDIANA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Burnsworth, President of the Common Council

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WABASH ON THE \_\_\_\_\_\_ DAY OF MARCH, 2024 AT THE HOUR OF \_\_\_\_\_\_\_ O’CLOCK \_\_\_\_M.

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Melanie Givens Penn, Clerk-Treasurer

THIS ORDINANCE WAS APPROVED AND SIGNED ON THE \_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2024 AT THE HOUR OF \_\_\_\_\_\_\_ O’CLOCK \_\_\_\_M.

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Scott A Long, Mayor

ATTEST:

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Melanie Givens Penn, Clerk-Treasurer