

ORDINANCE NO. 2024-7

**AN ORDINANCE AMENDING THE MAXIMUM ADMINISTRATIVE FINE
AND PENALTY FOR MUNICIPAL SEWAGE UTILITY VIOLATIONS
IN THE TOWN OF GENEVA, INDIANA**

WHEREAS, the Town Council of the Town of Geneva, Indiana (the “Town Council”) adopted Ordinance No. 2004-1 (the “Sewer Use Ordinance”), which established uniform requirements for users of the Publicly Owned Treatment Works for the Town of Geneva (the “Town”); and

WHEREAS, § 53.63(A) of the Town of Geneva Code of Ordinances provides that the Town Council may impose an administrative fine in an amount not to exceed \$1,000 per day per violation of the Sewer Use Ordinance; and

WHEREAS, § 53.99(A)(2)(a) of the Town of Geneva Code of Ordinances provides that a user shall be liable to the Town for a maximum civil penalty of \$2,500 per day per violation of the Sewer Use Ordinance; and

WHEREAS, pursuant to the most recent National Pollutant Discharge Elimination System permit issued to the Town by the Indiana Department of Environmental Management, the Sewer Use Ordinance shall provide the legal authority to impose a penalty of a fine “of not more than \$2,500 per day, per violation for a first violation nor more than \$7,500 per day, per violation for subsequent violations, in accordance with I.C. § 36-1-3-8(a)(10)(B)”;

WHEREAS, the Town Council now desires to amend the Sewer Use Ordinance to comply with said requirement regarding the maximum fine and civil penalty for violations thereof.

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

SECTION I

Section 53.63(A) of the Town of Geneva Code of Ordinances is hereby amended, and shall read as follows:

When the Town Council finds that a user has violated, or continues to violate any provision

of this chapter, a wastewater discharge permit, an order issued hereunder, or any other requirement or pretreatment standard, the Council may impose a fine of not more than \$2,500 per day, per violation for a first violation and not more than \$7,500 per day, per violation for subsequent violations.

SECTION II

Section 53.99(A)(2)(a) of the Town of Geneva Code of Ordinances is hereby amended, and shall read as follows:

A user who has violated or continues to violate any provision of this chapter, a wastewater discharge permit, an order issued hereunder, or any other requirement or pretreatment standard, shall be liable to the town for a civil penalty of not more than \$2,500 per day, per violation for a first violation and not more than \$7,500 per day, per violation for subsequent violations.

SECTION III

Item VIII on page 4 of the Town of Geneva Enforcement Guide / Enforcement Response Guide (ERG) is hereby amended, and shall read as follows:

AF – Administrative Fine – An administrative fine would be used in such cases where all lower types of enforcement responses have failed and/or were deemed inappropriate by the Supt/CO, because of the nature and/or intent of the violation. The next response step is court action. The administrative fine step exists to avoid court activity and yet to correct the problem and/or show the severity of the problem to the industry involved. The administrative fine shall be an amount not more than \$2,500 per day, per violation for a first violation and not more than \$7,500 per day, per violation for subsequent violations. The administrative fine may also be part of an administrative order (AO), enforcement compliance schedule (ECS), or may be the next step above (AO).

SECTION IV

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed and of no further force or effect.

SECTION V

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is


declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts.

SECTION VI

This Ordinance shall become and remain in full force and effect immediately upon its adoption.

Duly passed, adopted, and ordained by the Town Council of the Town of Geneva, Indiana, on December 10, 2024.

TOWN COUNCIL OF THE TOWN OF GENEVA




AGNES A. SCHOCH, President




ANDREW J. BRIGGS



GARY L. HENDERSHOT



ARLEN R. MITCHELL



MARVIN R. SCHWARTZ

ATTEST:



SALLY D. BURRY, Deputy Clerk-Treasurer