

**ORDINANCE NO. 4621**

AN ORDINANCE AMENDING ORDINANCE #3522 BEING ENTITLED "AN ORDINANCE TO REGULATE SMOKE AND CONTROL AIR QUALITY WITHIN THE CITY OF HAMMOND, INDIANA", PASSED BY THE COMMON COUNCIL ON THE 23RD DAY OF JANUARY, 1967 AND APPROVED BY THE MAYOR ON THE 30TH DAY OF JANUARY, 1967, AND ORDINANCE #4128 "AN ORDINANCE SETTING FEES FOR AIR POLLUTION CONTROL PERMITS WITHIN THE CITY OF HAMMOND, INDIANA", PASSED BY THE COMMON COUNCIL ON THE 8TH DAY OF SEPTEMBER, 1975 AND APPROVED BY THE MAYOR ON THE 9TH DAY OF SEPTEMBER 1975.

**BE IT ORDAINED** by the Common Council of the City of Hammond, Indiana:

SECTION 1. That Article V of said Ordinances #3522 and #4128 are hereby amended to read as follows:

Section 5.1 CONSTRUCTION PERMITS.

Fees for inspection of plans and specifications, issuance of installation permits for the installation, erection, construction, reconstruction, alteration, modification of fuel burning equipment, combustion equipment, incinerators, process equipment or devices, and the installation of apparatus or devices for the prevention, arresting, or reducing the discharge of smoke, particulates, liquids or gaseous matter or other matter shall be as follows:

a. The applicant shall pay a fee approximating the cost of processing and reviewing the applicable construction or operating permit and the cost(s) of implementing and enforcing the terms and conditions of said permits. The fees are established as follows:

1. Construction permits for fuel burning units, combustion units, incineration units, process units,

pollution control devices, storage tanks for petroleum products or volatile products per unit or tank and other such equipment.

A. A charge of \$235.00, shall be assessed for the staff evaluation and issuance of any construction permit application for any major facility (100 tons or more potential emission for any one pollutant in a one year period).

B. A charge of \$125.00, shall be assessed for the staff evaluation and issuance of any construction permit application for any facility which is not a major facility.

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C. No fee will be assessed to any applicant for any application, for which it is determined that a permit is not required for construction or operation of the facility, and subsequently no permit is issued.

D. If the applicant submits an air quality impact study, a charge of \$100.00 shall be assessed for the review and verification of the model.

E. If the Department conducts a hearing pertaining to the issuance of the construction permit, an additional charge of \$250.00 shall be assessed.

Section 5.2 OPERATION PERMITS.

A charge of \$200.00 per permit shall be assessed for the Department's issuance thereof for each fuel burning unit, combustion unit, incineration unit, process unit, air pollution control unit, storage tank for petroleum products or volatile products per unit or tank or other such equipment.

Any group of facilities determined by the Department to be related facilities may be assessed a single operating permit fee for such facilities. The prior permitting of

such facilities shall be a major factor in the issuance of such permits.

Section 5.3 PERMITS NOT REQUIRED.

Certificates of operation and installation permits are not required for the following:

a. Air conditioning or ventilation systems not designed to remove air pollutants generated by or released from equipment;

b. Fuel Burning equipment,

1. Which uses gas or distillate oil (#1 or #2) as fuel for space heating, air conditioning or heating water; and

2. That is used in single or multiple dwellings containing four or less apartment units; and

3. That has a heat input of not more than 1,500,000 BTU per hour.

c. Laboratory fume hoods which discharge to the atmosphere;

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d. Other emission sources of minor significance specified by the Agency such as, but not limited to, particulate matter emissions of five pounds per hour or twenty-five pounds per day, sulfur dioxide emissions of ten pounds per hour or fifty pounds per day, nitrogen oxide emissions of five pounds per hour or twenty-four pounds per day, hydrocarbons emissions of three pounds per hour or fifteen pounds per day, carbon monoxide emissions of fifty pounds per hour or two hundred fifty pounds per day.

Emissions are to be calculated by the Agency by use of emission factors contained in the latest edition of "Compilation of Air Pollution Factors", published by the United States Environmental Protection Agency, or as calculated by the Agency based on stack test data or other data acceptable to the Agency.

Section 5.4 PAYMENT OF FEES.

All fees or penalties prescribed for the issuance of permits, licenses, or certificates, or for the inspection of plans, premises, or equipment, under any provision of this chapter, shall be paid to the City Controller, who shall render to the person making such payment a receipt stating the amount and purpose for which such fee or penalty has been paid, a duplicate which shall be made part of the records of the Department. All fees and penalties thus received shall be deposited with the City Controller.

Section 5.5 FEES ARE DEBT DUE THE CITY - SUIT FOR:

All fees or penalties prescribed for, the payment of which is required under any provision of this Chapter, shall constitute a debt due the City. The City Attorney shall, at the direction of the Chief, institute civil suit in the name of the City to recover the amount of any such unpaid fee or penalty. No civil judgment, or any act by the City Attorney, the Chief or the violator, shall bar or prevent a criminal prosecution for each and every violation of this chapter.

Section 5.6 OTHER.

a. Any applicant who can demonstrate to the satisfaction of the Department that the fees assessed for any permit will cause undue economic hardship, may have (part of all of) said fee requirements waived by the Department with the approval of the Hammond City Council by resolution.

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b. Checks shall be made payable to the Hammond City Controller, Non-payment shall result in cancellation of the permit.

c. Fees shall be non-refundable. If the permit is denied or revoked, the fees shall neither be refunded nor applied to any subsequent application or reapplication.

d. When a document becomes lost or damaged, a replacement shall be requested within fifteen (15) days of such status. A \$20.00 fee shall be charged for replacing a lost document or damaged document.

SECTION 2. This Ordinance shall be in full force and effect immediately after its passage, signing by the President of the Common Council, approval by the Mayor, and publication according to law.

/s/ LOUIS KARUBAS, President  
Hammond Common Council

ATTEST:

/s/ STANLEY KULIK, City Clerk

Approved by the Mayor on the 24th day of June, 1980.

/s/ EDWARD J. RASKOSKY, Mayor  
City of Hammond, Indiana

PASSED by the Common Council of the City of Hammond, Indiana, on the 23rd day of June, 1980, presented to the Mayor for his approval or rejection and approved by the Mayor on the 24th day of June, 1980.

/s/ STANLEY KULIK, City Clerk