

## CHAPTER 51: WATER

### Section

#### *General Provisions*

- 51.001 Definitions
- 51.002 Application
- 51.003 Records
- 51.004 State supervision

#### *Meters*

- 51.015 Location of meters
- 51.016 Meter dials
- 51.017 Testing equipment and facilities
- 51.018 Meter accuracy
- 51.019 Determination of accuracy
- 51.020 Meter test
- 51.021 Station meters

#### *Costs and Fees*

- 51.035 Billing
- 51.036 Deposit for service
- 51.037 Disconnect/reconnect fee
- 51.038 Rates and charges
- 51.039 Connection fee
- 51.040 Hydrant rental and sprinkler systems
- 51.041 Fire hydrant user fee
- 51.042 Meter deposits

#### *Water Use and Procedures*

- 51.055 Complaints and review
- 51.056 Utility information provided for applicants and customers
- 51.057 Quality
- 51.058 Flushing mains
- 51.059 Interruption of service

**Loogootee - Public Works**

- 51.060 Accidents
- 51.061 Modification
- 51.062 Extension of water distribution mains
- 51.063 Tampering with utility meters
- 51.064 Information available to customers
- 51.065 Board of Public Works
- 51.066 Perry water system

***Disconnection of Service***

- 51.080 Upon customer's request
- 51.081 Disconnection for late payment

***Water Conservation***

- 51.100 Application
- 51.101 Declaration of need
- 51.102 Conservation measures
- 51.103 Voluntary conservation
- 51.104 Mandatory conservation
- 51.105 Notice
  
- 51.999 Penalty

**GENERAL PROVISIONS****§ 51.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Where applicable, the definitions set forth in I.C. 8-1-2-1 shall be applied to this chapter.

**BOARD OF PUBLIC WORKS** or **BOARD**. The governing body for the Department of Works.

**COMMISSION**. The Public Service Commission of the state.

**CUSTOMER**. Any persons, firm, corporation, municipality, or other government agency which has agreed, orally or otherwise, to pay for water service received from the City Water Utility: provided, that

for the purpose of §§ 51.035, 51.036, 51.055, 51.080 and 51.081, said **CUSTOMER** shall be limited to mean persons who have agreed to pay for such service exclusively for residential or commercial purposes.

**DISCONNECTION.** The termination or discontinuance of water service.

**LATE PAYMENT CHARGE.** The one-time penalty assessed by the City Water Utility upon all current bills at such time as they become delinquent.

**WATER UTILITY** or **UTILITY.** The City Water Utility.  
(Prior Code, § III-1-1)

#### § 51.002 APPLICATION.

(A) This chapter shall apply to any water customer subject to the jurisdiction of the City Water Utility and to the provisions of the Public Service Commission Act, or any other state statute concerning the production, sale, or distribution of water service (water utility).

(B) All City Water Utility customers shall comply with this chapter, regulations, and standards of service upon approval.  
(Prior Code, § III-1-1)

#### § 51.003 RECORDS.

(A) *General records.* All records required by this chapter shall be preserved according to I.C. 8-1-2-40 or by the State Board of Accounts. Such records shall be for examination by the public and the Commission or its representatives, and the State Board of Accounts or its representatives.

(B) *Meter test records.* Wherever any meter in service is tested, a record shall be preserved containing the information necessary for identifying the meter, the reason for making the test, the reading of the meter before the test, and the result of the test, together with all data taken at the time of the test in sufficiently complete form to permit the convenient checking of the methods employed.

(C) *Meter record.* Permanent records shall also be kept, systematically arranged, giving each meter owned or used by the City Water Utility the year of purchase, its identification, and the record of the last test to which it has been subjected, with dates and general results of the test. These requirements apply to all meters purchased after the effective date of this chapter and to all other meters in so far as the information is available.  
(Prior Code, § III-1-1)

**§ 51.004 STATE SUPERVISION.**

(A) The City Water Utility is removed from the jurisdiction of the state's Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness.

(B) This section took effect 60 days after adoption of the City Council and approval by the Mayor. (Ord. 95-6, passed 2-12-1996)

***METERS*****§ 51.015 LOCATION OF METERS.**

(A) The meter may be located either in an outdoor pit or inside the building, or premises, of the customer being served.

(B) When the meter is to be installed in an underground pit, the pit shall be located in a convenient and readily accessible location. Upon request by the customer, before the installation is made, the pit will be located at the point requested if feasible under proper utility standards. The pit must be constructed to protect the meter from freezing and damage by vehicular traffic. The pit location and design should prevent, as far as possible, the inflow of surface water.

(C) When an indoor meter is installed, it shall be located as near as practical to where the service pipe enters the building in a clean, dry, and safe place, protected from freezing and hot water, not subject to wide temperature variations, and so placed as to be at all times accessible for reading, inspection, and removal for testing. If the meter is located where it cannot be read by City Water Utility personnel, an agreement shall be made requiring the customer to read the meter on the date specified by the City Water Utility and to refer said reading to the Utility on the aforementioned date. Agreement shall also be made whereby, at periodic intervals, a member of the City Water Utility shall be allowed to examine the meter to verify the accuracy of the readings and the condition of the meter.

(D) If a customer requests and the City Water Utility approves, or if the Utility desires, a remote meter register may be installed outside the building at an accessible location for the City Water Utility. (Prior Code, § III-1-1)

**§ 51.016 METER DIALS.**

All meters used to measure the volume of water sales shall register in U.S. gallons so that the meter can correctly read to the nearest 100 U.S. gallons. (Prior Code, § III-1-1)

### § 51.017 TESTING EQUIPMENT AND FACILITIES.

(A) *Equipment*. The City Water Utility shall provide and maintain suitable equipment and facilities for testing and adjusting its meters to assure meter accuracy of flow. Meter testing equipment shall be accessible for inspection by authorized representatives of the Board.

(B) *Portable test meters*. If portable test meters are used to determine the accuracy of any meter in service, they shall be recalibrated by suitable testing apparatus at sufficiently frequent intervals to ensure correct registration at the specified rates of flow.

(Prior Code, § III-1-1)

### § 51.018 METER ACCURACY.

(A) *General*. All meters and appurtenances used for measuring the quantity of water delivered to a customer shall be in good mechanical condition and of adequate size and design to measure said flow accurately.

(B) *Test flows*. For determination of minimum test flow and maximum test flow limits, the following specifications will be used for displacement cold meters:

**METER FLOW LIMITATIONS (*Gallons per minute*)**

<i>Meter Size</i>	<i>Minimum Flow</i>	<i>Average Flow</i>	<i>Maximum Flow</i>
5/8"	1/4	1	20
3/4"	1/2	2	30
1"	3/4	3	50
1-1/2"	1-1/2	5	100
2"	2	8	160
3"	4	16	300
4"	7	28	500
6"	12	48	1000

(Prior Code, § III-1-1)

**§ 51.019 DETERMINATION OF ACCURACY.**

Displacement meters shall be tested at three test flow quantities: one at the minimum test flow, one at not more than 10% of the maximum normal test flow limit, and one not less than 35% of the maximum normal test flow limit. A meter shall not be placed in service if it registers less than 90% accuracy at the minimum test flow limit or fluctuates more than 2% in the normal test flow limits.  
(Prior Code, § III-1-1)

**§ 51.020 METER TEST.**

(A) Each water meter installed shall be periodically inspected and tested in accordance with one of the following schedules, or more often if the results may warrant, to ensure that the meter accuracy is maintained within the limits set out in §§ 51.018 and 51.019:

(1) Five-eighths-inch, three-fourths-inch, and one-inch meters are all to be tested within eight years; and

(2) One and one-half inch and larger meters are all to be tested each year.

(B) The City Water Utility shall test the accuracy of a meter upon written request by the customer and a deposit of \$10. If the meter tested does not adhere to the standards set forth in §§ 51.018 and 51.019, the deposit will be refunded in full and the written test results and recommendations will be forwarded to the Board of Public Works for adjustment. A duplicate copy of all test results will be forwarded to the customer within ten days of written request. Any appeal, in regard to the results of the customer's meter test, shall be filed with the Board of Public Works under division (C) below within ten days of the date of the report.

(C) A test will be made of a customer's meter by the City Water Utility, under the supervision of a member of the Board of Public Works, upon application to the Board by the customer and formal notice to the City Water Utility by the Board. Prior data recorded concerning the meter to be tested will be presented for the customer and the Board of Public Works member at that time. The customer must be present.

(Prior Code, § III-1-1)

**§ 51.021 STATION METERS.**

The City Water Utility shall install supply station meters and instruments necessary to obtain a daily and/or monthly record of the total quantities of potable water pumped.

(Prior Code, § III-1-1)



***COSTS AND FEES*****§ 51.035 BILLING.*****(A) Bill for water service.***

(1) Bills rendered periodically to customers for water service shall show at least the following information:

(a) The dates and meter readings of the meter at the beginning and end of the period for which the bill is rendered and the billing date;

(b) The number of gallons used;

(c) The previous balance, if any;

(d) The amount of the bill;

(e) The sum of the amount of the bill and the late payment charge, if any;

(f) The date on which the bill becomes delinquent and on which a late payment charge will be added to the bill;

(g) If an estimated bill, a clear and conspicuous coding or other indication identifying the bill as an estimated bill;

(h) Printed statements and/or actual figures on either side of the bill shall inform the customer of the 15-day non-penalty period; and

(i) An explanation, which can be readily understood, of all codes and/or symbols shall be shown on the bill.

(2) (a) A Utility service bill which has remained unpaid for a period of more than 15 days following the mailing of the bill shall be a delinquent bill.

(b) A Utility service bill shall be rendered as a net bill. If the net bill is not paid within 15 days after the bill is mailed, it shall become a delinquent bill and a late payment charge may be added in the amount of 10% of the first \$3 and 3% of the excess of \$3.

(3) A Water Utility may estimate the bill of any customer only for good cause. Good cause includes, but is not limited to, request of the customer, inclement weather, inaccessibility of a customer's meter, and other circumstances beyond the control of the Utility.

(B) *Adjustments of bills.*

(1) If any service meter shall be found to have a percentage of error greater than that allowed in § 51.019, the following provisions for the adjustment of bills shall be covered.

(a) When a meter is found to have a positive error (i.e., is fast) in excess of 2%, the City Water Utility shall refund or credit the customer's account with the amount in excess of that determined to be an average charge for the time elapsed since the previous test, or one year, whichever period is shorter. This average charge shall be calculated on the basis of gallons registered on the meter over corresponding periods, either prior or subsequent, to the period for which the meter is determined to be fast. No part of a minimum service charge need be refunded.

(b) When a meter is stopped or has a negative error (i.e., is slow) in excess of 2%, the Utility may charge the customer an amount estimated to be an average charge for the time elapsed since the previous test, or one year, whichever period is shorter. This average charge shall be calculated on the basis of gallons registered on the meter over corresponding periods, either prior or subsequent, to the period for which the meter is determined to be slow or stopped. Such action may be taken in cases where the Utility is not at fault for allowing the stopped or slow meter to remain in service.

(2) All other billing adjustments, including incorrect meter readings, may be adjusted to the known date of error or for a period of one year, whichever period is shorter. City Water Utility bills may be adjusted on a one-time basis back to a 12-month average for emergency reasons only, such as an undetected leak on customers private line which is repaired immediately upon notification by Public Works Office that the customer has a leak. Sewage bills may be adjusted if it is determined that excess water did not, in fact, go into the sewage system. Any disputed adjustments between the Public Works Office and the customer shall be resolved by the Board of Public Works. Records shall be maintained of any action of the Board and the customer shall be notified in writing of the Board's decision.  
(Prior Code, § III-1-1)

**§ 51.036 DEPOSIT FOR SERVICE.**

(A) *General requirements.*

(1) A deposit of \$100 shall be required of all City Water Utility users pursuant to Ord. 2006-2.

(2) No service shall be given to any customer until it has been determined that no bills for previous service remain due and/or unpaid. If it is determined that previous bills are unpaid, no service shall be given until the delinquency has been paid in full.

(3) Customers shall request service connections at least three working days in advance, except in cases of emergency.

(4) No interest shall accrue on any deposit made.



(5) Deposit shall be made in full at time of request for service except in cases of emergency, only as determined by the Public Works Office, and then only if a customer signs an agreement to pay deposit in full within ten days of service request.

(B) *Refunds.*

(1) Any deposit shall be refunded as soon as possible following termination of service as follows:

(a) The City Water Utility shall apply the deposit to the final bill per Ord. 2006-2; or

(b) Upon request from the customer, the City Water Utility shall refund the deposit as soon as possible after payment of final bill.

(2) The City Water Utility shall maintain a record of each applicant or customer making a deposit which shows:

(a) The name of the customer;

(b) The current address of the customer, so long as he or she maintains an active account with the City Water Utility in his or her name;

(c) The amount of the deposit;

(d) The date the deposit was made; and

(e) A record of each transaction affecting such deposit.

(3) Each customer shall be provided a written receipt from the City Water Utility at the time his or her deposit is paid in full. The Utility shall provide a reasonable method by which a customer, who is unable to locate his or her receipt, may establish that he or she is entitled to a refund of the deposit or establish in writing that he or she wishes his or her deposit transferred to another person or name.

(Prior Code, § III-1-1) (Ord. 2006-2, passed - - )

**§ 51.037 DISCONNECT/RECONNECT FEE.**

Whenever service is to be disconnected for any reason, a disconnection charge of \$25 shall be assessed which must be paid before service will be reconnected. In addition, before service will be reconnected, a reconnect charge of \$50 must be paid.

(Ord. 2002-3, passed 3-6-2002; Ord. 2011-2, passed 2-14-2011)

**§ 51.038 RATES AND CHARGES.**

The following schedule of user rates and charges shall apply to water service provided by the City Water Utility:

*(A) Consumption monthly charge.*

<i>Consumption Per Month</i>	<i>User Charge Per 1,000 Gallons</i>
First 2,500 gallons	\$8.03
Next 2,500 gallons	\$7.64
Next 5,000 gallons	\$7.07
Next 15,000 gallons	\$6.75
Next 25,000 gallons	\$6.50
Next 50,000 gallons	\$5.89
Next 100,000 gallons	\$5.30

*(B) Monthly meter charge.*

<i>Meter Size</i>	<i>Minimum Monthly Charge</i>
5/8 - 3/4" meter	\$20.08
1" meter	\$30.90
1-1/2" meter	\$54.06
2" meter	\$92.13
3" meter	\$189.21
4" meter	\$288.88

(Ord. 2000-05-A, passed 1-22-2001; Ord. 2002-3, passed 3-6-2002)

**§ 51.039 CONNECTION FEE.**

All new users shall pay a tap charge of \$700 at the time they connect initially to the system.  
(Ord. 2000-05-A, passed 1-22-2001; Ord. 2002-3, passed 3-6-2002)

**§ 51.040 HYDRANT RENTAL AND SPRINKLER SYSTEMS.**

(A) *Fire hydrant rental.* The semi-annual fee per hydrant is \$583.64 for private individuals and annual fee of \$200 for the city.

(B) *Sprinkler system for fire protection.* The annual fee is \$583.64 plus tax.  
(Ord. 2000-05-A, passed 1-22-2001; Ord. 2002-3, passed 3-6-2002; Ord. 2004-5, passed 6-14-2004; Ord. 2011-1, passed 2-14-2011)

**§ 51.041 FIRE HYDRANT USER FEE.**

Fire hydrant user fee for water and sewer utility customers located outside the city limits is a \$2 monthly user fee per customer, except for water and sewer utility customers located in Perry Township.

(Ord. 2008-1, passed 4-14-2008)

**§ 51.042 METER DEPOSITS.**

(A) From and after January 1, 1983, there shall be required from each City Water Utility user a meter deposit in the amount of \$100, payable to the City Water Works, at the time when such water meter is connected and service to said consumer is commenced. The Public Works Department of said city is directed to collect such deposit as provided hereof and to deposit meter deposits into the Suspense Fund as provided, and to enter such deposit upon the prescribed meter deposit record books. The Clerk-Treasurer is directed to keep all funds received from the Public Works Department for meter deposits separate from all other funds of the City Water Works.

(B) Upon discontinuance of service to said water consumer or user, the meter deposit of \$50 shall first be applied to any indebtedness to the City Water Works, then to the City Sewage Works, and then to City Sanitation. Any balance remaining shall be refunded to consumer or user upon the filing of claim for such balance. Any consumer or user who does not satisfy all indebtedness shall not at any future time receive utility service until all such indebtedness has been satisfied.

(C) This section, and the meter deposit provided herein, shall not apply to or affect present water users who have theretofore made the meter deposit previously provided for by the City Water Works or the City Council, but shall apply only to new water users or previous water users who have discontinued service and wish to resume service after January 1, 1983.  
(Prior Code, § III-3-4) (Ord. 24-82, passed 12-13-1982)



**WATER USE AND PROCEDURES****§ 51.055 COMPLAINTS AND REVIEW.***(A) Complaint procedure.*

(1) A customer may complain at any time to a Utility about any bill which is not delinquent at that time, security deposit, disconnection notice, or any other matter relating to service and may request a conference thereon. Such complaints may be made in person, in writing, or by completing a form available from the Utility at its business office. A complaint shall be considered filed upon receipt by the Utility, except mailed complaints shall be considered filed as the postmark date. In making a complaint and/or request for conference, the customer shall state at a minimum: his or her name, service address, and the general nature of his or her complaint.

(2) Upon receiving each complaint or request for conference, the Utility:

(a) Shall promptly, thoroughly, and completely investigate such complaint, confer with the customer when requested, and notify the customer in writing of the results of the proposed complaint disposition after having made a good faith attempt to resolve the complaint; and

(b) Such written notification shall advise the customer that he or she may, within seven days following the date of notification, request a review of the proposed disposition by the Board of Public Works.

*(B) Review.*

(1) If the customer is dissatisfied with the Utility's review and proposed complaint disposition as provided in division (A) above, he or she may request that the Board of Public Works informally review the complaint and the Utility's proposed disposition thereof. Upon receiving such request, the Board shall provide an informal review within 30 days. The review shall consist of not less than a prompt and thorough investigation of the dispute and shall result in a written decision to be mailed to the customer within 30 days after its receipt of the customer's request. Upon request by either party or the Board of Public Works, the parties shall be required to meet and confer to the extent and at such place as the Board may consider appropriate.

(2) The records of the Board relating to such reviews shall be kept in a systematic order by the Utility Clerk.

*(C) Continuation of service pending disposition of complaint.*

(1) If the customer is receiving service at the time the complaint and/or request for conference is received by the Utility, his or her service shall not be disconnected until at least three days have elapsed following the Board of Public Works' decision.

(2) In those instances when the customer and Utility cannot agree as to what portion of a bill is undisputed, it shall be sufficient for the customer to pay an amount equal to his or her average bill for the 12 months immediately preceding the disputed bill except in those cases where the customer has received fewer than 12 bills, in which event the customer shall pay an amount equal to one-twelfth of the estimated annual cost of service to be rendered to the customer.

*(D) Record of complaints.*

(1) Each Utility shall keep a written record of complaints and requests for conferences pursuant to § 51.055. Such records shall be retained by the Utility Clerk at the Office of Public Works where such complaints were received. Such written records are to be readily available for observation by the concerned customer, his or her authorized agent, or the Board of Public Works.

(2) The Utility Clerk shall annually submit a report to the Board of Public Works classifying the number of complaints made to the Utility pursuant to § 51.055, the general nature of the complaint, the method of complaint submission, and the final review procedure required.  
(Prior Code, § III-1-1)

**§ 51.056 UTILITY INFORMATION PROVIDED FOR APPLICANTS AND CUSTOMERS.**

(A) The Utility must have a copy of this chapter, that directs the City Water Utility, available to all applicants for service and to all current customers. A copy of the rate schedules shall also be available for all applicants and customers.

(B) The Utility, when petitioning the Commission for any change in its residential base rate schedules, must furnish to each customer (within 45 days of such request and prior to the date of the public hearing) a notice which fairly summarizes the nature and extent of the proposed changes.  
(Prior Code, § III-1-1)

**§ 51.057 QUALITY.**

Potable water distributed for domestic use shall comply with the requirements of the State Board of Health.  
(Prior Code, § III-1-1)

**§ 51.058 FLUSHING MAINS.**

(A) Proper provisions shall be made for flushing those parts of a distribution system which need flushing in order to eliminate or minimize complaints from customers arising from discoloration or other abnormal conditions of the water.

(B) Records shall be kept of all flushings of mains showing the date, place, and duration, and such records shall be used as a guide in determining the necessary frequency of flushing the same mains thereafter. In addition, where possible, customers shall be notified in advance as to when the mains shall be flushed.

(Prior Code, § III-1-1)

#### **§ 51.059 INTERRUPTION OF SERVICE.**

The Utility shall keep a record of any interruption of service affecting its entire system or major division thereof, including a statement of the time, duration, extent, and cause of the interruption. Whenever the service is intentionally interrupted for any purpose such interruption shall, except in emergencies, be at a time during regular hours of the Utility which will cause the least inconvenience to the customers. Customers who will be affected by such interruption shall, to the extent practical, be notified in advance.

(Prior Code, § III-1-1)

#### **§ 51.060 ACCIDENTS.**

In addition to the reports required by statute, the Utility shall give notice to the Board of Public Works of each serious accident occurring upon its, or its customers, premises when the same is accompanied by flooding with water from the Utility's system and is attended with serious damage to property or human life. Said notice shall be given within 24 hours of the Utility's knowledge of such accident. A written notice shall be made to the Commission if required. Neither such notice nor report shall imply or be considered an admission of any liability or responsibility in connection with the accident.

(Prior Code, § III-1-1)

#### **§ 51.061 MODIFICATION.**

If a customer modification requires that Utility facilities be redesigned, reengineered, relocated, removed, modified, or reinstalled, the Utility may require the customer to make payment to it of the full cost of performing such services.

(Prior Code, § III-1-1)

#### **§ 51.062 EXTENSION OF WATER DISTRIBUTION MAINS.**

(A) *Free extensions.* Each Utility shall, upon written request for service, make free of charge an extension necessary to give service when the estimated total revenue, for a period of three years, from the prospective customer or customers is at least equal to the estimated cost of such extension.



(B) *Extension exceeding the costs set forth in division (A) above.* If the estimated cost of the extension required to furnish service is greater than the total estimated revenue from such extension specified herein, such an extension shall be made under the following conditions:

(1) Upon proper application for such extension and receipt by the Water Utility of a cash deposit in an amount which would have qualified, as provided in division (A) above, for receipt by the Water Utility of adequate provision, mutually acceptable to the parties, for payment of such cash deposit upon completion of the extension, the Water Utility shall proceed with such extension without specific approval of the Board; or

(2) If, in the opinion of the Water Utility, the estimated cost of such extension and the prospective revenue to be received from it is so meager as to make it doubtful whether the revenue from the extension would ever pay a fair return on the investment involved in such extension, or in a case of real estate development with slight or no immediate demand for service, or in the case of an installation requiring extensive equipment with light or irregular service, then in any of these cases, if the parties fail to reach an agreement the application shall be as to the public convenience and necessity of such extension. In all instances, applications for water line extensions must include and/or meet the following criteria:

(a) A complete set of plans and specifications shall be submitted with the application;

(b) Main distribution lines be no less than six inches in diameter and shall meet State Board of Health specification regarding pipe quality (C-900 PVC or ductile iron being acceptable). Also, must meet State Fire Marshal codes and classifications of the Fire Insurance Rating Bureau;

(c) Main distribution lines shall be located to the side of the road where possible; if unable to do so, the developer or other parties shall use sand for backfill with a six-inch gravel cap minimum and only hot bituminous mix may be used for patching. Hot mix shall be compacted and the minimal thickness to be established as three inches of finished surface;

(d) Construction time shall not exceed one week and shall be inspected by the Public Works Superintendent prior to any back filling;

(e) Shut-off valves shall be placed at intervals necessary to provide a minimal disruption of services;

(f) No area will be accepted by the city unless the above criteria has been met; and

(g) Real estate development costs shall be borne by the developers, with no construction to begin until the Board of Public Works has approved all plans.

(C) *Determination of cost of extension.*

(1) The Utility shall estimate the total cost of the extension from its existing main, or mains, which is to serve the extension to the end of the lot or frontage of the most remote applicant to be provided; however, if this be a corner lot abutting an intersecting street in which an existing main is located, the terminal point of the extension shall be located so that the main constructed hereunder ties in with the existing main located in such intersecting street.

(2) In estimating the cost of an extension, the estimate shall be based on the diameter of the pipe to be used; provided, however, the estimated cost to the customer or customers shall not be based on a pipe diameter in excess of eight inches, unless actual consumption estimated for the proposed customer(s) requires a larger pipe.

(D) *Information.*

(1) All cost estimates required in division (B) above shall be determined by the Utility from actual experience.

(2) In the event that the applicant is required by division (B) above to make any payment, the Utility shall, upon request, make available to the applicant:

(a) The information used to establish the basis for the applicable amount as submitted to the Board of Public Works in compliance with § 51.062; and

(b) The information used to establish the basis for the estimated total revenue for a period of three years to be realized by the Utility from permanent and continuing customers on such extension as required by § 51.062.

(E) *Contract for service.* The Water Utility shall not be required to make extensions as provided in § 51.062 unless the customers to be initially served by such extension, upon its installation, have entered into an agreement with the Water Utility setting forth the obligations and commitments of the parties, which may require the customer to provide a satisfactory guaranty to the Water Utility of the performance of the customer's obligations thereunder.

(F) *Variations from Rule.* This section shall not be constructed as prohibiting a Water Utility from making extensions without charge where the cost of the same is greater than is provided in division (A) above, or providing an alternate plan to be approved by the Board of Public Works; provided that in the application of this division (F), no discrimination is practiced between customers whose service requirements are similar.

(G) *Eminent domain.* The Utility shall use good utility and engineering practices in determining the route for the main distribution line required to serve the petitioner. If it is unreasonable to use public rights-of-way for the extension; however, if such a negotiated acquisition is impossible, then the Utility

shall use its power of eminent domain to obtain the needed right-of-way for installation of the extension where the extension is proposed to, or will, be capable of serving two or more users.  
(Prior Code, § III-1-1)

#### **§ 51.063 TAMPERING WITH UTILITY METERS.**

Amends I.C. 35-43-5-1 and adds I.C. 35-43-5-6 to provide that a customer who utilizes any device or scheme to avoid being assessed for the full amount of services received from a Utility commits a Class C infraction.  
(Prior Code, § III-1-1)

#### **§ 51.064 INFORMATION AVAILABLE TO CUSTOMERS.**

(A) Copies of all schedules of rates for service, forms of contracts, charges for service connections and extension, and of all rules and regulations covering the relationship between the customer and the Utility shall be kept on file in the Public Works Office and shall be open to the inspection to the public.

(B) The attention of the public shall be called to the files of schedules and rules and regulations by placing a placard in that part of the office open to the public.  
(Prior Code, § III-1-1)

#### **§ 51.065 BOARD OF PUBLIC WORKS.**

The adoption of these rules shall in no way preclude the Board of Public Works from altering or amending the same, in whole or in part, or from requiring any additional services, equipment, facility, or standards, whether upon complaint or upon its motion, or upon the application of any utility; and further, these rules shall in no way relieve the Utility from any of its duties under the laws of this state. Any prior rules or regulations in use are hereby rescinded.  
(Prior Code, § III-1-1)

#### **§ 51.066 PERRY WATER SYSTEM.**

The Perry Water System Inc. shall pay a monthly special service metered rate of \$2.98 per 1,000 gallons.  
(Prior Code, § III-3-5) (Ord. 6-82, passed 5-17-1982; Ord. 1993-5, passed - -)



***DISCONNECTION OF SERVICE*****§ 51.080 UPON CUSTOMER'S REQUEST.**

(A) The customer shall notify the Utility at least three days in advance of the day that disconnection is desired. Customer responsibility remains until service is disconnected.

(B) Upon request by a customer to disconnect service, the Utility shall disconnect the service within three working days after received notification is recorded. The customer shall not be liable for any service rendered to such address or location after the time limitation pursuant division (A) above.  
(Prior Code, § III-1-1)

**§ 51.081 DISCONNECTION FOR LATE PAYMENT.**

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$50.

***WATER CONSERVATION*****§ 51.100 APPLICATION.**

This subchapter shall apply to all persons, firms, partnerships, corporations, companies, and organizations connected to the city public water system or using water therefrom (users).  
(Ord. 2012-7, passed 11-13-2012)

**§ 51.101 DECLARATION OF NEED.**

Upon determining that the City Water Works Department's public water system is in a condition of water shortage, the city and the City Water Works Department shall declare a water conservation emergency and establish the appropriate measures and the duration thereof.  
(Ord. 2012-7, passed 11-13-2012)

**§ 51.102 CONSERVATION MEASURES.**

(A) Practices that conserve water should be used at all times.

(B) Examples of conservation measures include:

(1) Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation; eliminating wasteful sprinkling of impervious surfaces, such as streets and sidewalks;

(2) Limiting water use while washing trucks, trailers, mobile homes, railroad cars, or any other type of mobile equipment;

(3) Limiting water use while cleaning sidewalks, driveways, paved areas, or other outdoor surfaces;

(4) Repairing or replacing leaking water fixtures and service lines;

(5) Using appliances such as clothes washers and dishwashers only when they are full;

(6) Turning off the water while brushing teeth or shaving;

(7) Using a higher lawnmower setting to provide natural ground shade and promote the soil's water retention;

(8) Washing cars with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing; and

(9) Covering swimming pools when not in use to reduce evaporation.  
(Ord. 2012-7, passed 11-13-2012)

#### **§ 51.103 VOLUNTARY CONSERVATION.**

During moderate water shortages, users shall be requested to reduce water consumption by practicing voluntary conservation. The City Water Works Department shall identify reasonable and meaningful conservation techniques and provide such information to users.  
(Ord. 2012-7, passed 11-13-2012)

#### **§ 51.104 MANDATORY CONSERVATION.**

During severe water shortages, users shall be prohibited from selected water uses subject to reasonable terms, times, and conditions as the governing body shall adopt and append to this subchapter. Step one of mandatory conservation measures will be to terminate service to wholesale customers. If a water shortage still exists, then mandatory measures up to, and including, rationing will be imposed upon city customers.  
(Ord. 2012-7, passed 11-13-2012) Penalty, see § 51.999

#### **§ 51.105 NOTICE.**

Notice of the need for voluntary conservation measures shall be issued in a local newspaper of general circulation or other means such as radio and television as deemed appropriate by the governing body. Notice shall be effective upon issuance. Notice of mandatory conservation or rationing shall be by first class United States mail or by other door-to-door distribution to each current user, and by electronic and print media. Notice shall be deemed effective at the conclusion of door-to-door distribution or at noon of the third day after deposition notice in the United States mail.  
(Ord. 2012-7, passed 11-13-2012)

#### **§ 51.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.



(B) Any user who violates § 51.104 will be issued a written warning on the first offense. If there is a second violation, service will be terminated for a period of at least 48 hours with the standard reconnect fee to be paid in full before service is reinstated. For any subsequent violations, the time without service and reconnect fee will double for each violation.  
(Ord. 2012-7, passed 11-13-2012)