

ORDINANCE NO. 07-20-2005

An Ordinance regulating availability fees, and the connection to and use of Lake Santee Regional Waste and Water District's Water Service, and providing penalties for violations thereof.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE LAKE SANTEE REGIONAL WASTE AND WATER DISTRICT (HEREIN REFERRED TO AS THE "DISTRICT" OR ALTERNATIVELY "WATER WORKS").

ARTICLE I

RULES AND REGULATIONS

- 1.1 Definitions.**
- 1.1.1 Water Works.** Lake Santee Regional Waste and Water District, or its authorized representative or agents.
- 1.1.2 Owner.** Any real estate owner within the Lake Santee Subdivision, or any person or firm served by Lake Santee Regional Waste and Water District.
- 1.1.3 Customer.** Property owner or person being billed for payment of availability fees or water service, which is connected with water service by the Water Works.
- 1.2 Application for Service.** Any owner seeking water service shall submit a request for water service at least twenty (20) days prior to the date that is requested for service installation. Such request shall be sent to the Lake Santee Regional Waste and Water District at 13 SW Wrenn Parkway, Greensburg, IN 47240. The required connection charges in the amount specified in the rate ordinance must accompany the request to be considered valid.
- 1.3 Discontinuance of Water Service.** The Water Works may discontinue water service to any customer. Reasons for disconnect include the following:
- a) For non-payment of a bill after 7 days prior written notice.
 - b) For defrauding the Water Works.
- 1.4 Meter and Apparatus Tampering.** No customer, his employee or agent shall in any way, except for the purpose of initial connection, tamper or use valving of meter or meter protection apparatus. Tampering or use of meter apparatus shall constitute grounds for discontinuance of water service.
- 1.5 Individual Metering.** No meter shall record water service for more than one source of demand or one customer. No customer shall be allowed to supply water service to any other premises or property without prior approval from the Water Works.

- 1.6 **Meter Setting and Location.** The Water Works shall, for the connection charge received, install one (1) meter and meter protection apparatus, at the Water Work's expense, according to American Water Works Association specifications, and such meter setting shall generally be located on the customer's property line. The location of the meter setting may be determined by the customer, if the location is feasible under proper utility standards as determined in the sole discretion of the Water Works.
- 1.7 **Relocation of Meter Setting.** Any meter protection apparatus which must be relocated shall be done so at the expense of the customer.
- 1.8 **Meter Reading and Customer Billing.** Water Works shall attempt to read all meters and issue billing once every month. However, inclement weather or other circumstance may cause the Water Works to be unable to read the meters each month. Said meter reading shall be computed into water service charges in accordance with the rates set forth in the rate ordinance and billed on the first day of the following month. The bill shall be due upon the first day of the month billed and considered delinquent after the 20th day of the same month. Meter reading and billing shall normally be conducted on a monthly basis.
- 1.9 **Estimated Meter Readings.** The Water Works may estimate meter readings if inclement weather prevents meter from being read at regular intervals. When meters are not read at regular intervals the Water Works may estimate consumption based upon the previous twelve (12) months of customer's consumption. The Water Works may then compute the billing based upon the estimated consumption. Billings based upon estimated consumption shall be reconciled with the first billing in which actual meter readings are available.
- 1.10 **Change of Ownership.** The Water Works shall receive notice of date of change between a customer and a subsequent customer at least three (3) days prior to the date intended to change the water billing account. In the event any customer fails to notify the Water Works of such change, said customer shall be liable for the accrued water charges until the Water Works reads the meter and transfers the account to the subsequent customer.
- 1.11 **Abatement for Leakage.** Abatements, allowances, deduction or refunds may be made on actual or alleged excessive use of water as a result of leakage on the customer's premises. The Water Works may grant reasonable adjustments for "hidden leakage". No more than one (1) hidden leakage adjustment shall be granted in any three (3) year period. No allowance, under any circumstances, shall be made for water used, lost or wasted through carelessness or neglect. The meter reading of a properly tested and accurate meter shall be the final factor in determining the water used by the customer.

- 1.12 **Care of Meters.** The customer shall protect the meter and meter protection apparatus from damage or injury. Any damage or injury to the meter or meter protection apparatus not resulting from natural phenomenon or the Water Works shall be repaired by the Water Works at the expense of the customer.
- 1.13 **Inaccurate Meter Apparatus.** In the event the metering apparatus is inaccurate, the past consumption records of the Water Works shall be used for determining any adjustment to the customer's billing for the prior period, however, the adjustment period shall not exceed the previous twelve (12) months.
- 1.14 **Meter Testing.** Meter testing shall be performed as outlined by the Indiana Administrative Code covering water utilities.
- 1.15 **Meter Sizes.** All meters installed shall be of the 3/4" by 5/8" meter size and shall be in accordance with American Water Works Association standards. Larger meters may be available at the discretion of the Water Works. Such larger meters, if requested by the customer, shall be installed on an actual cost basis.
- 1.16 **Customer's Connection.** The customer shall be responsible for all costs incurred in the connection from the meter apparatus to any other point upon the customer's property or to any point of customer demand. All underground connections from the meter apparatus shall be made with minimum 3/4" line size of "k" copper, 160 PSI test polyethylene, or schedule 40 PVC. The customer shall maintain his connection in proper "leak free" condition at all times. It is recommended that the service connection be located at least forty-two inches (42") under the surface of the ground. The customer shall be responsible for all maintenance and the condition for all parts of the connection beyond the meter apparatus, including, but not limited to, pipes, fittings, valves and fixtures.
- 1.17 **Inspection of Customer Plumbing.** Upon initial connection to the Water Works, the Water Works shall have the right to inspect the quality and suitability of any and all plumbing installed and maintained by the customer. The Water Works may preclude water service until plumbing has been suitably repaired or replaced in a manner sufficient to withstand the water pressure within the Water Works system.
- 1.18 **Customer Stop Valve Required.** All customers shall install a curb stop valve in the service line to all buildings or structures receiving water service. This stop valve shall be designed for use by the customer and under control of the customer. Said valve shall be used to depressurize the customer's service in the event of leaks, making repairs, or to prevent the freezing of plumbing.
- 1.19 **Valve Service Fee.** A service fee shall be charged to any customer who requires that his water service shall be either valved on or off during normal working hours during the weekdays, excluding holidays. A

separate fee shall be charged for valving when rendered on weekends, holidays or at a time other than normal working hours. These fees are specified in the Water Works rate ordinance.

- 1.20 **Waterworks Turn Off.** The Water Works reserves the right to turn off service to any customer who is absent from his property, where water leakage is apparent. The fee specified in the rate ordinance shall be charged for this service call.
- 1.21 **Outside Watering May Be Prohibited.** The Water Works reserves the right to indiscriminately prohibit all “outside” watering, such as lawn and garden watering, filling of swimming pools, washing of vehicles, etc. The Water Works may limit water service solely to domestic use in the event of water supply shortages or failure of Water Works equipment or as otherwise determined necessary in the sole discretion of the Water Works.
- 1.22 **Flushing Of Mains And Hydrants.** The Water Works shall flush all water mains for the purposes of circulation and removal of precipitated deposits within the mains. The Water Works shall, whenever possible, provide customers with advance notice of such flushing of mains and that such flushing may cause temporary discoloration of water.
- 1.23 **Cross Connections Prohibited.** The Water Works shall prohibit the “cross connection” of any other water, fluid, gas or other substance to the Water Works system.
- 1.24 **Interruption Of Service.** The Water Works shall reserve the right to depressurize the Water Works’ system for purposes of repairs or other emergencies without advance notice to customers. The Water Works shall, whenever possible, notify customers in advance of such conditions.
- 1.25 **Water Works Liability.** The Water Works shall not be liable for any damage done or inconvenience caused due to any break, leak or defect in, or by water escaping from service pipes or fixtures on the premises of the customer.
- 1.26 **Complaints.** The Water Works shall keep records of all customer complaints, including the customer’s name, address, time, date and nature of complaint. Such complaints shall be on file in the office of the Water Works and shall be open to public inspection during posted business hours.
- 1.27 **Water Works Will Not Guarantee Service.** Nothing in these rules or regulations shall be construed as a guarantee by the Water Works to provide an adequate supply of water at all times for any purpose. However, the Water Works shall at all times and under all circumstances endeavor to maintain an efficient and appropriate water service.
- 1.28 **Access to Premises.** An authorized representative of the Water Works shall have the right to enter or leave customer’s property for any purpose that properly and directly relates to the water service of any customer,

during normal business hours or at other time in the event of an emergency.

- 1.29 **Access To Meter And Meter Protection Apparatus.** Authorized representatives of the Water Works shall have reasonable and unencumbered access to the meter and meter protection apparatus. Property owners shall not plant trees, flowers, shrubs or other plantings within five (5) feet of the apparatus. There shall be no plantings on one side of the apparatus facing the nearest road. The purpose of this requirement is to provide accessibility for servicing and meter reading. Any plantings that, as they mature, encroach within five (5) feet of the meter apparatus are subject to trimming by the District.

ARTICLE II

VIOLATIONS

- 2 **Termination of Service.** Violations shall be subject to termination of service and/or imposition of penalties.
- 2.1 Any customer of the Water Works who violates any of the foregoing rules or regulations of the Water Works may be subject to disconnection of service. In addition, the Water Works may immediately terminate service at any time if a condition dangerous or hazardous to life, physical safety or property exists. Provided, however, termination of service under this Article does not relieve any customer of the obligation to pay the water rate and charges as specified in the rate ordinance.
- 2.2 **General Penalties.** The commission of any act prohibited by this Ordinance or by lawful order of the Superintendent or lawful order or regulation of the Board, or the failure to perform without lawful justification any lawful order of the Superintendent or lawful order or regulation of this Board shall be a punishable violation of this Ordinance for which, unless there is another specific penalty provided, the penalty shall be a fine not to exceed one thousand dollars (\$1,000.00) per day per violation.
- 2.3 **Falsifying of Information.** A person shall not knowingly make or submit to the District a false statement, representation, record, report, plan or other document required to be filed hereunder or under a duly adopted regulation of the Board, or voluntarily filed with the intent that the District rely thereon, or falsify, tamper with, or knowingly render inaccurate any monitoring, testing, measuring or timing device required or installed under these regulations. A person shall not, during any monitoring or surveillance period, alter industrial processes or other activities for the purpose of rendering samples drawn or measurements taken during said monitoring or surveillance unrepresentative or uncharacteristic of normal operations, flows or concentrations or pollutants.

ARTICLE III

METERED SERVICE RATES, AVAILABILITY RATES, AND SEASONAL SERVICE AND LATE PAYMENT CHARGES

- 3 **Rates and Charges.** All property owners who are not paying for metered water service are liable for availability fees as set out in the rate ordinance.
- 3.1 Metered Service Rates, Availability Rates, and Seasonal Service and Late Payment charges are specified in a separate rate ordinance.

ARTICLE IV

REQUEST FOR TERMINATION OF SERVICE

- 4 **Termination of Service.** Any customer may request and receive termination of water service for the charge specified for this service in the rate ordinance. This charge is for removal of metering apparatus and winterizing of remaining apparatus or the complete severing of the service at the discretion of the Water Works. Termination of service does not relieve the customer of the obligation to pay the water rate and charges as specified in the rate ordinance.
- 4.1 **Reconnection Of Terminated Service.** Any customer desiring reconnection of water service at a location where service has been terminated shall be required to pay the charge specified for this service as specified in the rate ordinance. This charge is for installation of the removed metering apparatus. The Water Works will attempt to provide reconnection of water service within one (1) working day's notice when a reconnection is required. However, no reconnections will be made on weekends and holidays.
- 4.2 **Request For Meter Testing.** A fee, as specified in the rate ordinance, will be charged for meter testing.

ARTICLE V

TEMPORARY AND BULK SERVICES

- 5 The Water Works may provide water to temporary and bulk users upon request. This service will be charged on the basis of the metered gallon rates specified in the rate ordinance at usage estimated and established by the Water Works superintendent. Such usage will be established on a nondiscriminatory basis. An additional fee, as specified in the rate ordinance, will be charged if the Utility is required to provide hoses, connections or valving.

ARTICLE VI

EXTRAORDINARY SERVICE DEMAND

- 6 Any customer seeking extraordinary water service shall be required to seek prior approval from the Water Works superintendent at least forty-eight (48) hours prior to such use. Extraordinary service demand is defined as usage that will exceed 15,000 gallons over a forty-eight (48) hour period. Extraordinary service demand may include filling of swimming pools, watering of lawns or watering of

gardens if these activities meet the usage definition. The Water Works Superintendent may grant such extraordinary water use requests so long as adequate pressure and water supply can be maintained throughout the entire system. The purpose of this provision is twofold. First, this provision will enable the superintendent to maintain adequate pressure and water supply to all customers of the Water Works; second, this provision will keep the Water Works from dispatching its employees in a search for leaks when the cause of the drop in pressure is extraordinary service demand.

PASSED AND ADOPTED by the Board of the Lake Santee Regional Waste and Water District on the 20th day of July, 2005.

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