

ORDINANCE NO. 2003 - 2

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR
SERVICE OF JENNINGS NORTHWEST REGIONAL UTILITIES' WATER UTILITY

WHEREAS, the **Jennings Northwest Regional Utilities**, of Jennings County, Indiana, is the owner and operator of a water utility consisting of a water supply lines and a distribution system capable of furnishing water service to inhabitants of Country Squire Lakes Subdivision and others in the surrounding area; and,

WHEREAS, the **Jennings Northwest Regional Utilities** has the authority pursuant to Indiana Code 13-26 et seq., to furnish water utility service to Country Squire Lakes Subdivision, Jennings County, Indiana, and to regulate the furnishing of such water utility service to the public and establish rates and charges for such service; and,

WHEREAS, it is necessary for said **Jennings Northwest Regional Utilities** to establish rules and regulations for the provision and delivery of said water service and the payment therefor;

BE IT NOW, THEREFORE, ORDAINED by the Board of Trustees for the **Jennings Northwest Regional Utilities**, of Jennings County, Indiana, as follows:

Section 1. Connection to Water Utility Service.

A. Any individual, partnership, association, business or corporation having an interest in real estate located in Country Squire Lakes Subdivision, and desirous of service from the District's water utility, hereinafter "customer," shall make application, along with payment of the appropriate meter deposit and account setup fee, to the Utility Clerk at the District office prior to service being furnished.

1. For purposes of the Ordinance, the term "having an interest in real estate," shall include "owners," "renters," "purchasers" on land sale contract, i.e. "purchasers" and "mortgagees."
2. Meter deposits shall be held by the Utility in the customer's name(s) until such time as service to the customer is discontinued either by the customer or the Utility. Upon discontinuance of service, the District shall apply all or any part of the customer's meter deposit to payment of any outstanding water charges, including any delinquencies, with the **renter's** or **purchaser's** meter deposit being first applied to the payment of water charges and then the **owner's**. The remaining balance of meter deposit shall be refunded to the depositor. Depositor shall be responsible for providing the Jennings Northwest Regional Utilities with a proper forwarding address. Transfer of a meter deposit may only be made by the depositor properly completing transfer forms provided by the Utility Clerk, and may be made only if the old deposit is equal to the currently required deposit.
3. The Jennings Northwest Regional Utilities shall have the right to request proof of the customer's interest in the property served by the water utility by presentation of a copy of deed, contract, lease, agreement or mortgage, and to request that the meter deposit be made and held in the customer's name(s). In the event that the depositor dies or moves from subject property, the District shall have the right to request either a transfer of deposit or a new meter deposit from any customer who remains thereon.

B. All connections/taps to the Utility's water mains for water service shall be made by and under the direct supervision of the District or its designated personnel.

C. Connection/Tap Fees. A connection/tap of service lines to the water utility's distribution mains requires payment of an appropriate connection/tap fee based on the size of the meter or the actual cost of making the connection/tap, whichever amount is greater. Connection/tap fees shall be paid prior to water service being provided and prior to the meter being turned on.

D. When a connection/tap is to be made pursuant to new construction or remodeling, a copy of the improvement location permit or builder's permit issued by the building inspector, county planning or zoning boards or any local or county agency whose approval is required, shall be furnished to the District prior to the connection/tap being made. In addition, the owner of the affected real estate shall grant to the District an easement in proper form for said water service.

E. Service pipes which connect the customer's premises to the Utility's water mains shall not serve more than one customer and shall not cross the customer's property boundary lines. Each lot or parcel of real estate shall be served separately by one (1) service line from the Utility's distribution main.

F. Water lines that supply two (2) or more water customers shall have a separate stop-cock and a separate meter for each customer. Each customer shall be issued a separate billing pursuant to the established utility rates and charges.

G. Connections/taps to the Utility's water mains shall consist of a curb-cock located between the distribution main and the meter; the water meter; and a stop-cock and dual check valve located between the meter and the customer's premises for purposes of emergency shut-off and making repairs. Water service may be turned off and on at the curb-cock in front of the meter only by the Utility or its designated personnel. Jennings Northwest Regional Utilities shall have responsibility for maintaining all service lines and equipment from the Utility's distribution main to and including the customer's meter; the customer shall have the responsibility for maintaining all service lines and equipment from the meter to the customer's premises. In the

event that a meter is installed on the customer's premises or at a location other than the road right-of-way, the property owner shall maintain the service line on the Utility's side of the meter from the Utility's distribution main to the customer's premises. In no event shall District personnel perform any work on water appurtenances located on the customer's side of the meter.

H. Main extensions to residential areas or other development within Country Squire Lakes Subdivision not previously served by the Utility shall be made at the expense of the owner, builder or developer and shall be made pursuant to the direction and control of the Utility. The size of the distribution main and the material from which the main is made shall be approved by the Utility prior to installation. Once installed to the satisfaction of the Utility, the distribution mains, meters, valve pits, etc., and any required easements shall become property of the District and subject to its maintenance, upkeep, repair and control.

I. The Utility or its designated personnel shall have the right to inspect at reasonable times all service lines, water appurtenances, meters and valves on the customer's premises and shall have the right to enter any building or structure for that purpose.

J. Covering up, paving over, enclosing or in any way interfering with, removing or damaging a curb box, valve pit, service line, meter or hydrant is strictly forbidden. In the event this provision is violated, the District may charge the violator with the costs of any corrective action and in addition may impose a fine of up to Two Thousand Five Hundred Dollars (\$2,500), which costs and fine may be collected by the Utility Treasurer, Manager or Clerk, all of whom are hereby authorized to pursue legal remedies in a court of law.

Section 3. Billing for Services.

A. Customers will be billed for services on a monthly basis. Meters will be read by Utility personnel on or about the seventeenth (17th) day of each month and shall include and reflect the prior month's usage of water. Bills for water service will be mailed to customers on or about the first (1st) day of the month following reading of the meter. Payment for said water service is due and payable on or before the **seventeenth (17th)** day of the month of issuance of the bill.

B. Any utility charges remaining unpaid after the seventeenth (17th) day of the month of issuance of the bill shall be considered **DELINQUENT** and shall be assessed delinquency charges equal to an additional ten percent (10%) of unpaid water charges. An additional disconnection charge will may be assessed if water service is disconnected for nonpayment. All water charges, including past due and the current month's charges, any delinquent charges and any disconnection fee, shall be paid prior to service being reconnected.

C. In the event of a failure of any meter, the Utility will bill water usage based on the average of billings for the immediately preceding twelve (12) months prior to said failure.

D. In the event of a leak in the customer's water service line, which does not enter the sewer system, the Utility may adjust the sewer charge for one (1) month's billing based on an average of the immediately preceding twelve (12) months' water usage.

E. In the case of temporary customers such as contractors, carnivals, street fairs, the Utility Clerk shall be authorized to demand payment in advance for service in an amount for the water estimated to be used thereby.

F. In the case of rental property, both the renter and the property owner/landlord shall be responsible for any unpaid water utility bills. In the case of property being sold under a land sale contract, both the purchaser and the property owner/seller shall be responsible for any unpaid water utility bills.

G. All payments received for water or sewer services shall be apportioned on a pro rata basis between the water and sewer bills.

H. The District's Treasurer, Utility Manager and Clerk are hereby authorized to proceed and collect any past due water utility bills, including delinquencies, through legal process including filing suit in Jennings County Small Claims Court.

Section 4. Discontinuance of Service

A. The District shall have the right to discontinue service to a customer for the following reasons:

1. Continued wasting or improper use of water after it has been called to the customer's attention.
2. Interfering with, removing or destroying any water appurtenances or appliances belonging to the Utility.
3. Failure to timely pay charges and bills for service within five (5) days of their due date, i.e. the 22nd day of each month.
4. Failure to timely pay any sewer charges the customer owes the District's sewer utility.

B. Upon the failure of a customer to pay any water or sewer bill within five (5) days of its being due (i.e. the 22nd day of the month), the Utility has the right to discontinue water service by shutting off the water service at the distribution main. **NO NOTICE OF**

DISCONNECTION need be given to the customer. Service to the customer shall not be restored until payment of all outstanding charges, including the current month's bill, any delinquency charges thereon, and the disconnection fee, if any. In addition, any outstanding bills due the District's sewer utility must be paid prior to water service being reconnected.

C. The District has the right to discontinue water service to a water customer or any property upon failure of the water customer or the property owner to pay charges legally due for sewer or sewage disposal plant services (Indiana Code 8-1.5-3-4) which charges remain due and unpaid for thirty (30) days. Notice of disconnection must be given to the customer at least ten (10) days prior to the disconnection.

SO ORDAINED this 17th day of March, 2003.

JENNINGS NORTHWEST REGIONAL
UTILITIES, Board of Trustees

William C. Bell
Robert J. Zula
David A. Binkins
Ed White
Mary K. G.

ATTEST:

Mary K. G.