

CHAPTER 52: WATER

GENERAL PROVISIONS

§ 52.001 PURPOSE.

The rules and regulations of the utility, as amended and supplemented from time to time, shall govern all water service rendered or to be rendered by the utility; shall be binding upon every customer; and shall constitute a part of the terms and conditions of every contract for water service, whether expressly incorporated therein or not or whether or not a signed application for water service is on file. (Ord. 93-5, passed 6-8-93)

§ 52.002 DEFINITIONS.

For this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The Public Service Commission of the State of Indiana.

CURB STOP OR SERVICE VALVE. A fitting inserted in the service pipe near the curb or main for turning on and shutting off water to the premises supplied or to be supplied.

CUSTOMER or CONSUMER. The person, firm, corporation, governmental agency or association having interest, whether legal or equitable, sole or only partial, either as tenant or owner, in any property which is, or is to be, supplied with water service, either temporarily or permanently, by the utility and all those having such interest.

CONTRACT. An agreement between the utility and the customer by which the utility sets forth its conditions to provide water service.

DISTRIBUTION MAIN. A pipe owned by the utility, located in a street, easement, road, right-of-way and/or alley and used to deliver water:

- (1) To fire hydrants or fire lines;
- (2) To service pipes attached to said water main; and/or
- (3) To private mains.

METER. The mechanical device owned by the utility and used to measure and record the quantity of water supplied to the customer.

MONTH. The period between any two consecutive regular billings by the utility for service rendered to a customer at his premises. Such billings are scheduled at intervals of approximately 30 days.

PLUMBER. A person or firm licensed by the State of Indiana, registered by the Town and recognized qualified to perform plumbing services.

PREMISES. A dwelling, building, structure or parcel of real estate which is normally supplied through a separate water service pipe and meter.

PRIVATE FIRE SERVICE OR FIRE SYSTEM. A privately-owned arrangement of pipes, fixtures and devices designed for stand-by service and from which is taken only for the extinguishment of fires.

PRIVATE WATER MAIN. A privately-owned pipe connected to the utility's distribution system and used to deliver water:

- (1) For private fire service purposes; and/or
- (2) For general service purposes; services rendered through such private main shall be billed directly in accordance with established rates unless otherwise provided by written contract with the utility.

PRIMARY WATER SUPPLY. Water source used for human consumption and other domestic purposes including, but not limited to, drinking, bathing, swimming, washing of clothes and dishes, general cleaning, and food preparation. The municipal water utility owned and operated by the Town is hereby defined as being the **PRIMARY WATER SUPPLY**.

SECONDARY WATER SUPPLY. Water source used for non-domestic purposes including, but not limited to, geothermal wells, firefighting, cooling, irrigation, manufacturing processes, non-domestic uses in retail and wholesale establishments, and as a product intended for sale as bottled water or similar products.

Examples of sources for a **SECONDARY WATER SUPPLY** include, but are not limited to, private wells, lakes/ponds, streams and cisterns.

SERVICE CONNECTION. That portion of a service pipe situated between and including the tap and curb stop, installed and/or maintained by the utility.

SERVICE PIPE. A supply pipe including pipe and fittings leading from the tap in the distribution system main to or into the premises supplied or to be supplied.

TAP or CORPORATION COCK. A fitting owned by the utility and inserted in the distribution main to be used as the service pipe connection.

UTILITY. The Waterloo Water Utility, a department of the Town, in the State of Indiana, having its principal office at Marion and N. Wayne Streets in the Town, and engaged in furnishing the public water supply in the Town and its environs.

WATER WELL. A hole drilled or bored into the earth for extracting water by way of mechanical or nonmechanical means.

(Ord. 93-5, passed 6-8-93; Am. Ord. 07-08, passed 11-13-07)

§ 52.003 RULES AND REGULATIONS ON FILE.

(A) A copy of all rates, rules and regulations under which water service will be rendered from the utility to its customers is on file for the convenience of the public in the general offices of the utility and with the Public Service Commission of the State of Indiana.

(B) The utility will publish and distribute, without request, a copy of a comprehensive pamphlet which, in clear language easily understandable to the layman, fully describes the rights and responsibilities of the customer/consumer.

(C) Upon request by the applicant or customer, the utility will furnish, free of charge, a copy of the rate schedule for new and existing customers.

(D) The utility, whenever it petitions the Public Service Commission for a change in its rate schedule, will furnish to each customer, within the prescribed schedule, a notice that fairly summarizes the nature and extent of proposed changes in existing rates.

(Ord. 93-5, passed 6-8-93)

§ 52.004 WRITTEN APPLICATION OR CONTRACT REQUIRED.

(A) A written service application and/or properly executed contract and paid receipt for all applicable fees and charges will be required from the applicant (including contractors or builders) before the utility will be able to supply service; however, the utility may reject an application for a valid reason. Where unusual construction or equipment expenses are involved in the furnishing of service, the utility may require the water services contract to be for an appropriate period specified by the utility with notification of termination of water service.

(B) A prospective service application customer must show positive identification when applying for service (i.e. driver's license, and the like). A written contract for service shall be in full force and effect until the party contracting for service serves the utility with notification of intent to terminate water service. (C) Should the utility deny service, the utility shall immediately notify the applicant, in writing, stating the precise facts upon which the utility based its decision and shall provide the applicant with an opportunity to rebut such facts and show facts demonstrating credit worthiness. (Ord. 93-5, passed 6-8-93)

§ 52.005 MODIFICATION AND ASSIGNMENT OF CONTRACT.

(A) No promise, agreement or representation by any agent, employee or officer of the utility shall be binding upon the utility unless incorporated in a written contract signed and approved by an agent authorized to sign such contract on behalf of the utility and its administrators. No adjustments to applicable rates as set forth in the rate schedule shall be allowed in any case and under any circumstances.

(B) The benefits and obligations under any contract for supply of water by the utility will begin when the utility commences to supply water in service thereunder and shall inure to and be binding upon the successors or assigns as the case may be, of the original parties thereto, respectively, for the full term thereof; provided, that no assignment thereof shall be made by the customer or by any successor, assign, survivor,

executor or administrator unless there be expressed written consent by the utility to any such assignment.
(Ord. 93-5, passed 6-8-93)

§ 52.006 DEPOSITS.

- (A) The utility shall require from each applicant for water service a cash deposit equal to the applicant's estimated billing for a period of 60 days, but not less than \$40, as a guarantee against the non-payment of bills for service, which deposit shall be paid at the time of application for service.
 - (B) The utility may require a present customer to make a reasonable cash deposit when the customer has been mailed a disconnect notice for two consecutive months or any three months within the preceding 12month period, or when the service has been disconnected pursuant to § 51.084. The amount of such deposit will not exceed an amount equal to their estimated billing for a period of 60 days, but not less than \$20, as a guarantee against non-payment of future bills for service. In cases where such deposit is required as a result of a disconnection for non-payment, full payment of the deposit will be required prior to restoration of service.
 - (C) Any deposit will be refunded promptly, along with a statement accounting for each transaction involving the deposit, upon satisfactory payment by the customer for a period of 12 months consecutively. Any customer whose account was delinquent for any two consecutive months during said 12month period will not qualify for such consideration.
 - (D) Procedure following a customer request for termination of service:
 - (1) The utility will require payment of any past due balance currently billed and owing;
 - (2) The utility will apply the deposit to the final billing;
 - (3) Any portion of said deposit remaining after such application will be forwarded to the customer.
 - (E) The utility will maintain a record of each applicant or customer making a deposit which will indicate:
 - (1) The name of the customer;
 - (2) The current address of the customer so long as there exists an active account with utility in the same name;
 - (3) The amount of the deposit;
 - (4) The date of receipt of deposit; and
 - (5) A record of each transaction affecting such deposit.
 - (F) Each customer will be provided a written receipt from the utility at the time the deposit is paid.
 - (G) Any deposit made by the applicant, customer, or any other person to the utility (less any lawful deductions), or any sum which the utility is ordered to refund for utility service, which has remained unclaimed for seven years after the utility has made diligent efforts to locate the person who made such deposit or the heirs of such persons, will be presumed abandoned and treated in accordance with the laws of this state as "Uniform Disposition of Unclaimed Property Act."
 - (H) A deposit may be used by the utility to apply toward any unpaid balance following disconnection of service; provided, however, that any surplus may be returned to the customer. In instances where the deposit is used to apply to arrearages, the utility may require a new deposit to replace that applied to unpaid balances before service is restored.
- (Ord. 93-5, passed 6-8-93; Am. Ord. 01-17, passed 12-11-01)

§ 52.007 DESCRIPTION OF SERVICE TO BE FURNISHED.

Upon request, the customer shall present to the utility a written list of the devices to be attached to the utility lines, giving the location of the building. The utility will advise the form and character of the supply available to the customer. (Ord. 93-5, passed 6-8-93)

§ 52.008 TURNING ON WATER SERVICE.

- (A) The utility shall require from each applicant for water service a cash deposit in the amount of \$40, which deposit shall be paid at the time of application for service.

- (B) Should the utility schedule an appointment for turning on a water service, for any reason, other than credit turn ons, and the customer fails to keep that appointment, the return trip to the premises will cause an added trip charge of \$50 to be levied to the account.
- (C) When water is required to test plumbing before a water contract has been executed and meter installed, a water utility employee shall be called to make the turn-on and turn-off.
- (D) It is a violation of both the water utility's general rules and regulations and the Town municipal code for anyone except a water utility employee to make such turn-ons and turn-offs.
- (E) A fee of \$50 shall be charged by the utility for turning water service off and on for making repairs to a private plumbing system or an extended absence and similar occasions when the turn- on or turn-off is for the benefit or convenience of the customer.
- (F) No person but an authorized representative of the utility, Fire Department, Town Street Department or Town Water Pollution Control Department shall open or operate any fire hydrant to which water is supplied by the utility or remove the nozzle cap from the hydrant.
- (G) Violation of this rule will subject the offender to the penalty provided in the municipal codes and for payment of the estimated quantity of water used or wasted during the period the water was turned on without authority of the water utility. There will be a \$500 fine imposed for improper turn-ons. (Ord. 93-5, passed 6-8-93; Am. Ord. 09-01, passed 9-8-09)

§ 52.009 DISCONTINUANCE OF SERVICE.

- (A) Customer requested service.
 - (1) The customer shall notify the utility at least seven working days in advance of the date discontinuance is needed. In the case of termination of a "Fire Protection Service", the customer's notice shall be in a written form, signed by an authorized agent/representative of the customer. The customer shall remain responsible for all the service used and the billings therefore until service is terminated. Thereafter, the customer shall be billed for and shall pay the minimum sewer bill and the garbage bill as established by this section.
 - (2) Upon request by a customer of the utility to discontinue the service, the utility shall discontinue the service within seven working days of the requested discontinuance date. The customer is responsible for providing access to the premises for actual final reading within the seven working day period. Thereafter, the customer shall be billed for and shall pay the minimum sewer charge and the garbage charge as established by this section.
 - (3) There will be no abatement of charges in whole or in part by reason of the extended absence of the customer for any cause.
 - (4) This section will not apply to any case where a customer has entered into a contract with the utility to take service from the utility for a definite period specified or provided for in such contract, and such stipulated time has not expired.
 - (5) The utility will perform disconnect services only between the hours of 9:00 a.m. and 3:00 p.m., prevailing local time, subject to fulfilling the utility's rules and regulations as may apply. The utility will not disconnect or terminate water service for non-payment on any day which the utility's offices are closed to the public, or after 12:00 noon of the day that is immediately preceding any day on which the utility office is not open to the public.
- (B) Without customer's request.
 - (1) The utility may disconnect service without request by the customer:
 - (a) When an emergency exists;
 - (b) For any unauthorized use of water;
 - (c) For maintaining an unprotected "cross-connection" of a water customer's piping to any other source of water supply or for permitting any condition to exist on or about the customers premises that causes or might cause contamination and/or the pollution of the utility public water supply, or any part thereof;
 - (d) Upon order by any authority having jurisdiction over matters of public water supply;
 - (e) For failure to repair any leak in the service piping or appurtenances between the service connection and the meter, or in any private fire protection system, or other unmetered facilities;

- (f) For tampering or knowingly permitting tampering with any service piping, curb stop, service valve, meter or meter seal, or any other appliance or equipment owned by the water utility;
- (g) For the vacating of a premises, or abandonment of premises;
- (h) For issuing a bad check or draft to the water utility;
- (i) For the failure to comply with the terms of a credit agreement;
- (j) For failure to pay a cash security deposit in accordance with the utility's rules and regulations and/or rate structure;
- (k) For failure to pay in accordance with the rules, any water billings or other charges in connection with water utility service installations or facilities at the service address, other service address, or otherwise, except as noted hereafter;
- (l) For failure to provide free and non-hazardous access to the premises and meter, appliances and/or other utility-owned equipment for the utility to read meters, make inspections, replacements, relocations of meters, appliances/ equipment;
- (m) For failure to maintain or cause to be maintained approved meter settings, meter pits and vaults;
- (n) For the installation of a new water service pipe and appurtenances or altering or removing existing service pipe and appurtenances, including the meter, without written authority by an authorized agent of the water utility;
- (o) For waste or excessive use by a customer on a special purpose unmetered rate, in excess of contract.

(2) In each case, except those arising under subdivisions (a), (b), (d), (f), (g), (h), (i), (j), (n) and (o) of Division (B) of this section, the utility will issue a notice advising the customer of the reason for discontinuance of service and giving the customer 72 hours to remedy the violation. If the violation is not corrected within 72 hours to the satisfaction of the Town, service will be discontinued. Said notice is deemed given if deposited in the U.S. Mail postage pre-paid to the customer of record or personally delivered to the customer.

(3) (a) When water service to the premises has been terminated for any reason, water service will be restored only upon proper application to the utility after conditions of the notice of termination have been properly corrected and inspected by the utility, when all charges due from the customer have been settled, and when arrangements have been made to provide access to the premises during regular working hours of the utility (9:00 a.m. - 3:00 p.m.). No payments in lieu of disconnections will be accepted by utility personnel in the field. A \$50 service charge will be due and owing at the time the disconnect order is issued, whether disconnection of service has been effectuated or not prior to the correction of the condition or conditions under or contained in the notice of which service was scheduled to be discontinued. If the termination or restoration of service involves any excavating, the cost of such work shall be borne by the customer.

(b) Should the conditions under which service was discontinued not be corrected within 60 days, the utility shall have the right to finalize the customer's account. In the absence of a final meter reading, the utility will render a final bill based on the average of previous consumption; if arrangements are made within seven working days after or following the date of the final billing, adjustments will be made. No adjustments will be made after the expiration of the seven-day period.

(c) Reconnection of the service is included in the initial base service charge of \$50; however, if the utility schedules an appointment for reconnection and the customer fails to keep that appointment, an additional service charge will be added for every additional service call, plus any applicable hourly charges for utility personnel.

(C) Prohibited disconnections.

- (1) Except as otherwise provided, the utility will postpone or cause to be postponed, the disconnection of water service for 30 days, if prior to the disconnection date specified in the notice of disconnection, the customer provides to the utility a medical statement from a licensed physician or public health official which states that discontinuance of water service would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement or disconnection will be continued for one additional 30-day period upon the furnishing of an additional medical statement.

(2) The utility will not disconnect service to the customer:

- (a) Upon failure to pay for the service rendered at a different meter address, residence or location, if such billing has remained unpaid for less than 45 days;
- (b) Upon failure to pay for services to a previous occupant of premises to be served, unless the utility has good reason to believe the customer/applicant is attempting to defraud the water utility by using another name.

(Ord. 93-5, passed 6-8-93; Am. Ord. 09-01, passed 9-8-09)

§ 52.010 SERVICE CONNECTIONS.

(A) The utility reserves the right to determine the placement of each service connection so that the curb stop will, generally, be located between the present or proposed sidewalk and curb, or at such other location that will, in the judgment of the utility, provide a safer, more convenient or more satisfactory location for the curb stop and service box.

(1) The utility will furnish labor, equipment and materials and the installation of the service connection, including the tap in the water main, curb stop and box and that portion of the service pipe between them. The customer shall pay the utility for the cost of such service connections installed by the utility. Basic five-eighths inch meter service installed for the price of \$365. Installations requiring longer than usual piping runs and runs made in congested areas, and for larger than three-fourths, the actual or estimated costs shall be paid accordingly.

(2) See § 52.023.

(B) (1) The customer, at no expense to the utility, shall install or cause to be installed the service piping beyond the curb stop and into the premises. The utility and/or approved liaison reserve the right to inspect each service run made by a plumber, contractor or individual, for proper materials and depth of the service before the service trench is backfilled. However, the quality of material and workmanship shall be the customer's responsibility and must conform to applicable plumbing codes and standards as if specifically mentioned.

(2) Service piping of three inches and larger in diameter shall be disinfected, at the customer's expense, before the water supply shall be turned on for service. The customer shall perform or cause to be performed, disinfection of such piping and appurtenances in compliance with the Indiana State Board of Health Standards. There shall be at least three samples obtained from the service piping on consecutive days and must be proven satisfactory for usage, which shall be reported in writing to the utility by a laboratory qualified to make such analysis and be acceptable to the utility.

(3) Water is furnished through a single service pipe to one property. Where a single property consists of several units or buildings, and is served by a single service pipe, the property owner has the option of valving and metering each unit or building separately. A separate valve must be provided outside the building, and accessible to the utility, for each unit or building metered. The utility may make special arrangements for exceptional situations as required.

(4) In a case where a service has been installed prior to the adoption of and not in accordance with these general rules and regulations, where water is being taken from a single curb stop for supply for two or more units, buildings or premises, each customer benefiting from such arrangements shall be responsible for the payment of the individual usage charges and all other legitimate charges.

(5) Any violation of the rules of the utility by either of the occupants of said premises shall be deemed a violation as to all, and the utility may enforce compliance with these rules by terminating the water supply to all, except that such action will not be taken until the innocent customer not in violation of the utility's rules has been issued written notice and a reasonable opportunity to attach said service to a separately controlled service as if a new applicant.

(C) All service piping shall be grey cast or ductile cast iron, brass or type "K" copper, C 900, 200 PSI plastic from the curb stop to the meter. No service pipe shall be less than three-fourths inch nominal diameter, and all service pipes shall be installed with a minimum of four feet of ground cover.

(D) Service pipes, curb stops, service boxes, meter pits, stop and waste valves and other fixtures used in the installation of, repairs to or additions to service pipes shall be of a type and quality approved by the utility. The material and supplies of any manufacturer in accordance with the utility's standards is allowed.

(E) New service piping between the water main and a building shall be run in a straight or direct line when practicable, without bends and at a depth of not less than four feet. Pipe with joints shall not be driven. Service pipes shall not be placed in the same trench with sewers or other piping and shall be in accordance with state, local, and applicable standards, codes, regulations and ordinances.

(F) There shall be no physical connection from a secondary water supply to any service provided by the utility. Such connection shall be cause for immediate termination of water service. (Ord. 93-5, passed 6-8-93) Penalty, see § 52.999

§ 52.011 MAINTENANCE OF SERVICE PIPES AND METER BOXES.

(A) The service connection and fixtures from the water main to and including the curb stop or service valve will be maintained in good repair at the expense of the utility against damage, corrosion, tuberculation, or other deterioration. However, if replacement is due to increased demand by the customer, such replacement shall be at the customer's expense.

(B) (1) The customer shall maintain the service, pipe fixtures and its appurtenances (meter excepted) from the curb stop or valve into the property served by the utility, including leaks and other defects promptly. If the customer is unavailable or unable to repair any leak, the utility will make the repair at the customer's expense (includes digging, man hours, supplies, and the like). The repairs are to be made within three working days.

(2) All private service lines or water mains shall be maintained by the customer or owner, regardless of location, unless the utility has accepted, in writing, for maintenance by the utility.

(3) Should needed repairs to any private service line or water main, not be completed within three days after issue of written notice to the customer, said customer or owner may be charged \$15 per day for each day following the three-day grace period, that leak or repair is allowed to continue.

(C) (1) All meter boxes, pits or vaults installed on private property regardless whether constructed or installed by the customer or the utility shall be maintained in good condition by the customer at their expense.

(2) The utility will not maintain piping and appurtenances leading to and from such meter boxes except the piping between the water main and the curb stop, as referred to in division (A) of this section. (Ord. 93-5, passed 6-8-93) Penalty, see § 52.999

§ 52.012 THAWING FROZEN PIPES/SERVICES.

(A) The thawing of frozen service pipes is the customers responsibility, except for service lines from the water main leading to the curb stop or valve.

(B) (1) Upon request by the customer, the utility will make a basic inspection of the customer service and advise of the needed repairs as determined. No excavation of the location will be performed by the utility on the premises.

(2) A service charge of \$50 shall be levied on such investigation services, to the customer or the owner of the location.

(Ord. 93-5, passed 6-8-93; Am. Ord. 09-01, passed 9-8-09) Penalty, see § 52.999

§ 52.013 INSIDE PIPING AND SERVICE LINES.

(A) Each water service applicant shall provide a main supply shutoff valve or valves, just inside the building foundation wall, along with all piping and appurtenances, installed and maintained by the applicant. All work and materials shall be subject to inspection and approval by any authorized inspector in accordance with the utility general rules and regulations and/or other regulatory agencies as applicable.

(B) (1) Each service connection of three- fourths inch in size, shall be fitted with a compression-type stop and waste valve on the inlet side of the meter.

(2) Each water service connection of one inch in size or larger shall be fitted with a gate or ball- type shut-off valve or valves on both the inlet and outlet side of the meter.

(C) Service lines of larger sizes and/or supplying special equipment may require special valving and fitting arrangements as specified in § 52.081 and elsewhere.

(Ord. 93-5, passed 6-8-93) Penalty, see § 52.999

§ 52.014 CROSS-CONNECTION CONTROL.

- (A) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Town may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Department and by the Town in accordance with Rule 320 IAC 3-9.
- (B) It shall be the duty of the Water Department to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Water Department and may include a requirement of annual inspection reports being made to the Water Department.
- (C) Upon presentation of credentials, the representative of the Water Department shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Town for cross-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross-connections.
- (D) The Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this section.
- (E) If it is deemed by the Water Department that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the Town and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within 10 days of such emergency discontinuance.
- (F) All consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer in main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

§ 52.015 CROSS-CONNECTIONS AND BACKFLOW.

(A) No cross-connections or conditions, which might permit potentially the backflow of contaminants and/or pollutants from a customer's piping system into the public water distribution system shall be permitted. (B) Piping systems within the customer's premises shall conform to the latest revision of the "CrossConnection Regulation" chapters and rule of the Town water utility and governing agencies, which is, by reference made a part of the general rules and regulations, the same as if printed herein.

(C) Installation shall be subject to approval of the utility and any authorized inspector having jurisdiction over such connections and shall be maintained in accordance with manufacturer's specifications and in the total compliance with applicable rule, regulation and guidelines.

§ 52.016 ACCESS TO PREMISES, LOCATION.

(A) The utility authorized representatives shall have the right to enter upon the premises of the customer at all reasonable times for inspecting and/or testing cross-connection protective devices, atmospheric tank installations, booster pump-vacuum breaker-type valves, general plumbing, as well as meter readings, inspection, repairs, testing, removal, replacements, relocation in connection with the water service. Failure to

provide or allow access for the utility to the customer premises for the herein stated purposes, after written notice of such purpose, shall be cause for discontinuance of water service.

(B) Any customer providing a secondary water system supply on the customers premises or available to the premises shall be required to give reasonable access to the utility representative during any inspection of the customer premises. Said customer shall be required to provide evidence that no connection exists between the customer secondary supply and the public water supply system.

(C) The customer shall comply with all rules, regulations as set forth by applicable local, state, federal and health agencies as if in writing herein. Failure to comply as stated shall be cause for immediate termination of water service to the premises with notice of said violation to the Indiana State Board of Health and other agencies having jurisdiction over such matters. Water service shall not be reinstated until proof of compliance is furnished to the utility.

§ 52.017 USE OF BOOSTER PUMPS.

(A) No booster pump shall be installed, taking its suction or supply from the utility's water distribution system, without the expressed written approval of the utility.

(B) In all booster pump installations, the suction of the pump shall be connected to an atmospheric tank with Town water flow entering the tank being controlled by an automatic float valve and discharging freely into the tank two pipe diameters, or a minimum of six inches, above the positive overflow level of the tank.

(C) As an alternate, suitable, control valve limiting suction pressure of the pump to a minimum 20 psi, may be allowed with prior approval by the utility in writing. Proper and continuous operation and maintenance shall be the customers responsibility and expense. (Ord. 93-5, passed 6-8-93) Penalty, see § 52.999

§ 52.018 ACCESS TO PREMISES, LOCATION.

(A) (1) The utility authorized representatives shall have the right to enter upon the premises of the customer at all reasonable times for inspecting and/or testing cross-connection protective devices, atmospheric tank installations, booster pump-vacuum breaker-type valves, general plumbing, as well as meter readings, inspection, repairs, testing, removal, replacements, relocation in connection with the water service.

(2) Failure to provide or allow access for the utility to the customer premises for the herein stated purposes, after written notice of such purpose, shall be cause for discontinuance of water service.

(B) Any customer providing a secondary water system supply on the customers premises or available to the premises shall be required to give reasonable access to the utility representative during any inspection of the customer premises. Said customer shall be required to provide evidence that no connection exists between the customer secondary supply and the public water supply system.

(C) (1) The customer shall comply with all rules, regulations as set forth by applicable local, state, federal and health agencies as if in writing herein.

(2) Failure to comply as stated shall be cause for immediate termination of water service to the premises with notice of said violation to the Indiana State Board of Health and other agencies having jurisdiction over such matters. Water service shall not be reinstated until proof of compliance is furnished to the utility. (Ord. 93-5, passed 6-8-93) Penalty, see § 52.999

§ 52.019 METERING.

(A) (1) Unless specified in or by contract or tariff on file, all the water provided to customers shall be measured by meter(s) of standard manufacture, furnished and installed by the utility in accordance with the requirements of the utility in force and effect, and as amended from time to time.

(2) The customer shall provide a suitable location for the placement of the meter, near the service entrance either in the basement, in an approved meter box or in a location approved by the utility prior to the water service installation.

(B) The utility will designate the minimum size and type meter to be installed for each customer. Each building to be served from the water main shall be supplied by at least a three-quarter inch or one-inch line.

For water services larger than the minimum size, the utility will reserve the right to designate the number and size of meters that can be supplied for such service requested.

(C) (1) A "by-pass" arrangement around all new meter installations will be required under any of the following circumstances:

- (a) The service line on the meter outlet side is one and one-half inches or larger.
- (b) The service line, regardless of size, serves refrigeration equipment of water supplied is used in and for cooling.
- (c) The water service must not, for any other reason, be so interrupted while the meter is being repaired or replaced.

(2) The by-pass shall be furnished and installed by the customer in accordance with the utility's specifications and/or codes. Where existing piping, not containing a by-pass, is altered to meet any of the above conditions, such alteration shall also include a by-pass arrangement.

(D) (1) All meters, appliances, equipment and appurtenances furnished by the utility and which may be on the customers premises, shall remain as the property of the utility, unless otherwise expressly provided herein; the customer shall protect such property from freezing, loss or damage and shall not be permitted to remove, tamper or alter such property.

(2) The customer shall be responsible and liable for all damages to the utilities property while on the premises if such property is damaged from freezing or hot water and shall pay for cost for repair or replacement necessary to restore service and required accuracy of the metering. Upon repeated instances of damaged meters due to negligence of the customer, the utility can refuse service until the customer can properly protect the equipment from such damage.

(E) Ordinary repairs to meters will be performed by the utility without expense to the customer. (F)

(1) A meter will be tested for accuracy upon request from the customer. A utility will first investigate the premises for other reasons for excessive water usage before removing the meter for testing. (2) At the customer's request the remote reader and the inside meter may be checked for accuracy comparison with no charge to the customer. This is a recommended yearly check.

(3) If leaks are found or if the meter test establishes accuracy of the meter to be between 98% and 102%, the utility may make a service charge of at least \$25 for either service activity. The customer may have a representative present during the investigation or testing.

(4) Such testing and/or investigation will not be performed more than once in 12 months, unless the customer has abnormally high billings. A report of the results of the test will be made to the customer and a complete record of the test will be maintained by the utility.

(G) The utility may place seals on any water meter, by-pass or related couplings, in and for any premises, and will replace such seals found to be broken or removed. The water supply may be turned off if such seals are found to be broken or removed.

(H) Where water is taken through one meter servicing a multi-family dwelling, the utility requires the owner of the real estate property to maintain the billing in the owner's name.

(I) New meter applications shall be installed with "remote-read" equipment as designated by the utility within its ordinances, general rules and regulations and schedules of installation, in effect.

(J) If a customer's premises are deemed unsafe by the water utility's meter reader, the utility will send notification to the customer for a clean-up. The customer then has five working days to complete such a clean-up and a remote-reader will be installed at the customer's expense.

(K) If the utility cannot gain access to a home to read the meter, a remote reader will be installed at the home owner's expense.

(L) If once access is gained to a property and a change is needed to be made to match up the remote reader with the meter itself, adjustments will be made as necessary to the customer's billing. (Ord. 93-5, passed 6-8-93)

§ 52.020 PRE-WIRING FOR REMOTE WATER READING UNITS.

(A) All new dwelling units constructed within the service areas of the utility shall be pre-wired by the builder with suitable transmission wire as a part of the construction costs to the unit.

(B) When the water service is ordered for the unit, a reasonable fee will be charged by the Building Commissioner, in addition to the costs of the water service connection, to compensate for materials, labor and/or equipment to install a water meter remote read unit at the location in the new dwelling unit. (Ord. 93-5, passed 6-8-93)

§ 52.021 BASIS FOR MONTHLY BILLING.

(A) All property owners of every lot, parcel or tract of real estate or building that is connected to the Town water system shall be assessed a water charge whether there is water usage or not. For those lots, parcels, tracts or buildings for which the water has been shut off, there will be no water charge. (B) All water usage charges, other than for unmetered fire service or other special purposes, will be calculated upon the registration of the meter or meters installed, which registration shall be prima facia evidence of the amount of water used.

(C) (1) The utility will make an effort to read meters every month or at intervals as designated by the Town Council. If the utility is unable to read the meter, or should the meter fail to register, or if the utility is unable to gain access to the customer's premises, the customer will be billed based on average of consumption as shown by the record of previous meter readings. It is the customer's obligation to make every effort to keep meter free of debris and/or obstructions.

(2) The first charge after a meter reading is obtained will be then adjusted by averaging consumption over a period from the last reading, charging for each period in accordance with the schedule of rates in effect for the periods, and allowing credit for the amount of estimated billings as applicable to the event.

(D) After six consecutive months of estimating, the utility will automatically boost the consumption to four times the estimated amount. The customer will continue to be billed at the boosted rate until an actual read is taken and validated. Any necessary billing adjustments will be made on the following billing, after the actual read.

(E) Where water is taken through more than one meter, and where such arrangement is for the convenience of the customer, then, each meter will be read and billed separately. Where water is taken through more than one meter for the convenience of the utility, then, the meter readings will be aggregated and billed as one reading.

(F) All water passing through meters will be charged for at the applicable rates, whether used, wasted or lost through leakage.

(G) The utility will not be bound by billings rendered under a mistake of fact as to the quantity of service rendered.

(Ord. 93-5, passed 6-8-93; Am. Ord. 09-01, passed 9-8-09)

§ 52.022 PAYMENT OF BILLS.

(A) Billings rendered to customers for water service will reflect at least the following information:

(1) The dates at the beginning and ending of the service period, and the meter reading at the end of the period for which the billing is rendered;

(2) The previous balance, if any;

(3) The amount of the billing;

(4) The date on which the billing is due;

(5) If an estimated billing, a clear coding or other indication identifying the billing as an estimated bill;

(6) An explanation, which can be readily understood, of all the codes and/or symbols on the billing. (B) Billings will be rendered monthly. If a billing is not paid on or before the due date indicated on the billing (approximately 15 days after the bill is mailed to the customer), the customer will be considered delinquent. A period of two consecutive months delinquent will then constitute termination of water service to the customer by the utility.

(C) Failure to receive a billing shall not affect the right of the utility to cut-off and discontinue service for non-payment as provided above.

(D) To qualify for the above consideration, the customer must not be entered into and have breached a similar agreement with the utility during the last 12-month period.

(E) It is the policy of the Town to discontinue utility service to customers by reason of nonpayment of bills. The Clerk-Treasurer shall prepare a utility service application form with such information as the Clerk-Treasurer deems necessary.

(F) When it becomes necessary for the Town 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 as set by Town Council.

(G) (1) All water charges follow the customer rather than the property; if a customer moved from the premises where water service has been supplied, such customer will be held responsible for the payment of all billings rendered for the service supplied to the premises until proper notice of discontinuance of water service has been given to the office of the utility.

(2) Moving from one location to another location in no way absolves the customer from any unpaid charges incurred at a previous location.

(3) A customer's service or a property owner's service may be discontinued for failure to pay any of the unpaid charges due from the customer or property owner regardless of the premises with respect to which the charges were incurred.

(Ord. 93-5, passed 6-8-93; Am. Ord. 09-01, passed 9-8-09)

§ 52.023 ADJUSTMENT OF BILLINGS.

(A) If any service meter is found to have a percentage error greater than that allowed by the Public Service Commission of Indiana, the following procedure for the adjustment of billings will be observed:

(1) *Fast meters.* When a meter is found to have a positive average error (i.e. is fast, in excess of 2%) the utility will refund or credit the customer's account with the amount in excess of that determined to be an average charge for one-half of the time elapsed since the previous test of the meter, or six months, whichever period is shorter. This average charge will be calculated based on the units registered on the meter over corresponding periods either prior or after the period for which the meter is determined to be fast. No part of a minimum service charge will be refunded.

(2) *Stopped or slow meters.* When a meter is stopped or has a negative average error (i.e. is slow, in excess of 2%) the utility may charge the customer an amount estimated to be an average charge for one-half of the time elapsed since the previous meter test or six months, whichever period is shorter. This average charge shall be calculated based on the units registered on the meter over the corresponding periods or after the period for which the meter is determined to be slow or stopped. Such action may be taken only in cases where the utility is not at fault for allowing the stopped or slow meter to remain in service.

(B) All billing errors, including incorrect tariff applications, will be adjusted to the known date of the error or for a period of one year, whichever is shorter.

(Ord. 93-5, passed 6-8-93)

§ 52.024 COLLECTIONS AND DEFERRED PAYMENT CHARGE.

(A) The utility may bring a civil action to recover any delinquent charges together with applicable interest at the statutory rate, the costs and disbursements of said actions, and any other remedies prescribed by law.

(B) All billings for water services not paid on or before the due date indicated on the billing shall be subject to a collection or deferred payment charge of 10%.

(Ord. 93-5, passed 6-8-93)

§ 52.025 WASTE OR EXCESSIVE USE OF WATER.

If a customer on a special purpose un-metered rate is found using water in excess of the contracted for amount, or permits leaks on the premises, or wastes water by allowing hydrants or faucets to run continuously, the utility may require the customer to provide a suitable place for the installation of a water meter and thereafter will supply service in accordance with said applicable metered tariff. (Ord. 93-5, passed 6-8-93)

§ 52.026 NOTIFICATION OF LOAD INCREASE.

The service and meters supplied by the utility have definite capacities; no substantial addition to the water consuming equipment or appliances connected thereto shall be made except after written notice to a written consent from the utility.

(Ord. 93-5, passed 6-8-93) Penalty, see § 52.999

§ 52.027 RESALE OF WATER.

The water or service furnished under these rules and regulations is for the use of the customer on the premises. He shall not resell any water or service without the expressed written consent of the utility.

Written consent shall be in the form of a clear contract with the utility. (Ord. 93-5, passed 6-8-93)

Penalty, see § 52.999

§ 52.028 CONSERVATION AND RATIONING OF WATER.

(A) *Application.* This section shall apply to all persons, firms, partnerships, associations, corporations, company or organizations of any kind connected to the public water system or using water therefrom (hereafter, users).

(B) *Declaration of need.* Upon determining that the Town public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the governing body shall declare a water conservation emergency and establish the appropriate conservation measures and the duration thereof. (C)

Voluntary conservation. In accordance with division (G) of this section, users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The governing body shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

- (1) Take baths instead of showers.
- (2) Do not let the water run when rinsing dishes.
- (3) Fill bottom of sink with water to rinse dishes.
- (4) Do not let water run while brushing teeth.
- (5) Wait until you have a full load for laundry and automatic dishwasher.
- (6) Fill a pitcher of water and keep in refrigerator for drinking.
- (7) Install water restricting faucets in the home.
- (8) Make sure all leaks are fixed in your plumbing system.

(D) *Mandatory conservation.* In accordance with division (G) of this section, users shall be prohibited from the water uses listed below, subject to reasonable terms, times and conditions as the governing body shall determine.

- (1) Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables or any other vegetation.
- (2) Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment.
- (3) Cleaning or spraying of sidewalks, driveways, paved areas, or other outdoor surfaces.
- (4) Washing and cleaning of any business equipment or machinery.
- (5) The filling of swimming pools, wading pools and ornamental fountains.
- (6) Knowingly allowing leakage through defective plumbing.

(E) *Rationing.* In addition to the mandatory conservation measures identified in division (D) and in accordance with division (G) of this section, users shall be limited to water use per the following schedule:

- (1) Residential use shall be limited to 100 gallons per person per day.
- (2) Business, commercial and industrial users shall be limited to 75% of the volume of water used during the corresponding month of the preceding year. Business, commercial or industrial users that were not in business and operating in the area served by the public water system more than one year prior to the declaration of need shall be restricted to 65% of the average monthly volume of water used during the number of months such business, commercial, and industrial user was in business and operating in the public water system area.

(F) *Exceptions.* The governing body of the Town reserves the right to establish alternative rationing requirements for the following:

- (1) Health care providers.

- (2) A reasonable use of water to maintain adequate health and sanitary standards.
- (3) Those industrial and agricultural activities declared to be necessary for the public health and wellbeing.

(G) *Notice.*

(1) Notice of voluntary conservation measures shall be by publication in a local newspaper of general circulation or other means as deemed appropriate by the governing body. Said notice shall be effective upon publication.

(2) 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. Said notice shall be deemed effective at the conclusion of door-to-door distribution, or at noon of the third day after depositing same in the United States mail.

('92 Code, § 50.38) (Ord. 88-11, passed 7-12-88) Penalty, see § 52.999

§ 52.029 PRIVATE FIRE PROTECTION SERVICE.

(A) The entire private fire protection service on a customer's premises shall be subject to inspection and testing by the utility at such times as it is deemed necessary by the utility or other authority having legal interest in such private systems.

(B) Before any modifications are made to any private fire protection system or before service is furnished to any new private fire protection system connected to or proposed to be connected to and supplied with water from the utility's distribution mains, the owner of the private fire protection system or the owner's contractor shall provide certification in accordance with § 52.074 to the utility, that the system has been disinfected, and final plans of such fire protection system shall be filed with and approved by the utility and the Fire Department. The following shall be shown on the final plans:

- (1) The number of sprinkler heads to be served;
- (2) The sizes and location of the system's piping;
- (3) The sizes and locations of all connections to the utility's distribution mains;
- (4) The sizes, locations of all hose connections, reels and/or cabinets;
- (5) The sizes and locations of storage tanks connected to the fire system;
- (6) The outlet sizes and locations of all fire hydrants;
- (7) The sizes, locations and types of all valves.

(C) All fire protection lines within buildings must be installed in such manner that all pipes will be easily accessible for inspection at any time. Underground pipes outside of buildings must be placed and be maintained at a minimum depth of four and one-half feet.

(D) No connection with a fire protection system will be permitted to supply water for general purposes unless the connection has been approved by the customer's fire underwriter and unless the general-purpose water is metered. If such a connection is approved, both the fire protection line and the general-purpose line shall be separately valved outside the building to be served and proper cross-connection devices provided, all in accordance with the utility's specifications, thus permitting either line to be turned on or off without affecting the other.

(E) A private fire protection system without a tank shall be equipped with an alarm valve and an approved cross-connection backflow protection device, to be located on the main service pipe(s) supplying fire protection to the property. All valving installed as part of the fire system shall protect the utility's distribution from water "hammer" damage.

(F) An unmetered private fire service is furnished for the sole purpose of supplying water for the extinguishment of accidental fires, and the use of water from such a service connection for any other purpose is absolutely forbidden.

(G) Hydrants and other fixtures connected to a private fire service connection may be sealed by the utility, and such seal shall be broken only in case of fire or as specifically permitted by the utility; the customer must immediately notify the utility when any such seal is then broken for any purpose.

(H) When a service tap on a utility distribution main provides water for both fire and general purposes to a customer or customers, separate charges will be made for each purpose to each customer by the utility in accordance with the established rules and schedule of rates.

(I) A private fire service, at the option of the customer and after approval by customer's fire underwriter, may be connected to the metered water service. The monthly charges for such combined fire and

generalpurpose uses will be as set out in the established scheduled rates. Any additional investment costs incurred by the utility in such metering must be paid by the customer; maintenance of such meter will be at the water utility's expense.

(J) Whenever a private fire system is to be tested under the regulations of the fire service underwriters, the customer shall notify the utility of such proposed testing, naming the day and the hour of the testing, so that the water utility may have a representative present.

(Ord. 93-5, passed 6-8-93) Penalty, see § 52.999

§ 52.030 INTERRUPTION OF WATER SERVICE, AND THE LIKE.

The utility shall not be responsible in damages for any failure to supply water service, for interruption of the supply of water, for defective piping on the customer's premises, or for damages resulting to a customer or to third persons from the use of water or the presence of the utility's devices on the customer's premises, unless due to fault, neglect or culpability on the part of the utility. Neither party shall be liable to the other for any failure or delay in case such failure or delay is caused by strikes, the acts of nature, unavoidable accidents or contingencies beyond its control and is not due to fault, neglect or culpability on its part. (Ord. 93-5, passed 6-8-93)

§ 52.031 PERMANENT DISCONNECTIONS.

To reduce the potential of leakage from the utility's distribution system, when water service is no longer needed at a given property, the owner of the property shall, at the owner's expense, disconnect the service line from the utility's distribution main or shall employ the utility to make this disconnection, for which the owner shall pay the utility a reasonable fee. (Ord. 93-5, passed 6-8-93) Penalty, see § 52.999

§ 52.032 WATER MAIN EXTENSION.

The water utility requires a person(s), firm(s), and/or corporation(s) to pay for the costs of the extension(s) required to adequately serve water for domestic, commercial and/or fire protection. This policy intends to place the costs of installation of local water mains upon the owners of the properties benefitted. (Ord. 93-5, passed 6-8-93)

§ 52.033 PRESENT RULES SUPERSEDE ANY PRIOR RULES.

All rules and regulations heretofore promulgated by the utility governing the services provided and supplied by the utility are superseded and replaced by the foregoing general rules and regulations. (Ord. 93-5, passed 6-8-93)

§ 52.032 ENFORCEMENT.

The remedies provided to the utility in these rules and regulations shall not be exclusive and shall be in addition to any other remedies which the utility has at law or in equity. (Ord. 93-5, passed 6-8-93)

§ 52.034 WATER WELLS.

(A) Henceforth, the installation or reopening of a privately-owned well that has been previously capped or closed upon any premises within the corporate limits of the Town is hereby prohibited for use as a primary water supply.

(B) Henceforth, the reopening of a capped well or a closed well and the installation and use of any secondary water supply is subject to the review and approval of the Town Council. The Town Council shall approve or deny requests for such installation or reopening on a case-by-case basis. The Town Council also has the authority to impose any conditions it considers appropriate to protect the safety and availability of the Town's water supply, and to protect the revenue generating capabilities of the Town's public water utility. The Town Council shall also have the right to revoke any approval granted previously at any time based upon the submission of evidence that a condition hazardous to the safety of the Town's public water utility

exists, or in those instances when a violation has occurred of any conditions imposed by the Town Council as part of its prior approval of the secondary water supply.

(C) Violators of this section shall be subject to a fine of \$500. Each day that such a violation occurs is deemed to be a separate violation.

(Ord. 07-08, passed 11-13-07; Am. Ord. 12-02, passed 4-10-12) ***Cross-reference:***

Definitions for water well, see § 52.002

WATER RATES AND CHARGES

§ 52.100 RATES AND CHARGES.

(A) (1) *Rates and charges.* There shall be and there are hereby established for the use of and the services rendered by the waterworks system of the Town the following rates and charges, based upon the use of water supplied by said waterworks system, which rates and charges shall be implemented in one phase and shall be effective January 1, 2014. The usage on which the amount of the rates and charges shall be determined as follows:

<i>Metered Rates per Month</i>	<i>Rate per 1,000 Gallons</i>
First 5,000 Gallons	\$7.52
Next 10,000 Gallons	\$7.03
Next 20,000 Gallons	\$6.53
Next 65,000 Gallons	\$5.47
Next 150,000 Gallons	\$4.24
Over 250,000 Gallons	\$3.18

Minimum Charge per Month	
5/8" meter	\$15.02
3/4" meter	\$21.12
1" meter	\$33.50
1-1/4" meter	\$46.11
1-1/2" meter	\$58.77
2" meter	\$89.18
3" meter	\$150.26
4" meter	\$235.37
6" meter	\$444.31
8" meter	\$679.48
10" meter	\$866.51

Fire Protection	Rate per Annum
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Hydrant rental - per hydrant	\$845.21
Private sprinklers - per connection:	
4" connection	\$376.16
6" connection	\$845.21
8" connection	\$1,502.35

- (2) *Connection fees.* Prior to connecting to the Town's waterworks system, a customer shall be required to pay a connection fee as set forth hereafter. These fees will be used by the utility in the best interests of the utility and in accordance with the utility's policy but shall be primarily to offset the cost of future extensions, modifications, and improvements to the Town's waterworks system.

<i>Meter Size</i>	<i>Connection Fee</i>
5/8"	\$625
3/4"	\$876
1"	\$1,563
1-1/4"	\$2,500
1-1/2"	\$3,125
2"	\$3,690
3"	\$6,254

- (3) *Tap fees.* Prior to connecting to the Town's waterworks system, a customer shall be required to pay a tap/installation fee as set forth hereafter. The tap fee for connecting a user to the Town's waterworks system shall consist of a base tap installation fee of \$1,050 plus the cost of tap materials and backfill, top soil, seed and straw, and paving costs incurred in connection with each tap, in those cases where the Town performs all such labor. In those cases where the Town performs the tapping/installation services only (contractor does all other work), the tap fee shall be \$100. In those cases where the Town does inspection only (all labor and material are provided by contractor), the customer shall pay an inspection fee of \$40.

- (4) *Reconnection policy and charge.*

(a) A customer whose service is terminated for nonpayment of a prior bill will not have service reconnected until the next business day following the day of disconnection, except as otherwise provided herein.

(b) Each customer will be charged a reconnection fee of \$50.00 which will be due and payable before service to such customer is reconnected.

(c) Each customer shall pay in full all prior billings and any current billing that may be due before service to such customer is reconnected.

(d) Payments shall be made in cash, money order, certified check or cashier's check only. No personal checks will be accepted.

(e) In the event service to a customer is terminated as provided herein and service is shut off for at least five consecutive days, in addition to complying with all other provisions of this policy, service will not be restored until a satisfactory report has been received from the DeKalb County Health Department after inspection of the premises.

(5) *After-hour service charge.* A charge of \$75.00 per call will be made for customer service calls made at customer requests after normal working hours and on weekends and holidays when the work performed is of a nonemergency nature ordinarily performed during normal working hours.

(B) *Late payment charge.* All bills not paid on the due date shall be subject to a late payment charge of 10% on the amount due. In the event the Town files a lawsuit with the DeKalb Superior or DeKalb Circuit Court, the Town shall be entitled to collect the unpaid bill, plus the 10% late payment charge, plus court costs and reasonable attorney's fees.

(C) *Method of payment.* Payment may be made in cash, money order, certified check or cashier's check only.

(D) *Bad check charge.* If a check is tendered by a customer to the Town in payment of a bill or any portion thereof, and such check is not honored and returned by the bank, then the Town shall charge and the customer shall pay a bad check charge of \$25 per check.

('92 Code, § 50.37) (Ord. 275, passed 12-27-79; Am. Ord. 282, passed 9-25-80; Am. Ord. 282, passed 1220-80; Am. Ord. 85-2, passed 1-12-85; Am. Ord. 94-2, passed 3-2-94; Am. Ord. 98-04, passed 6-9-98; Am. Ord. 00-06, passed 4-11-00; Am. Ord. 01-17, passed 12-11-02; Am. Ord. 03-06, passed 4-8-03; Am. Ord. 0305, passed 5-13-03; Am. Ord. 03-14, passed 8-12-03; Am. Ord. 03-22, passed 1-7-04; Am. Ord. 09-01, passed 9-8-09; Am. Ord. 13-04, passed 9-10-13)

§ 52.999 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in this section.

(B) Any user who violates divisions (D) or (E) of § 52.028 of this chapter may be punished by a fine of not more than \$2,500. Each day of violation shall constitute a separate offense. In addition to, or in the alternative to a fine, water service may be terminated for any user who violates divisions (D) or (E) of § 52.028 of this chapter. ('92 Code, § 50.38(H)) (Ord. 88-11, passed 7-12-88)