

ORDINANCE NO.

**ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES TO
BE COLLECTED BY THE TOWN OF KNIGHTSTOWN, INDIANA, FROM THE
OWNERS OF PROPERTY SERVED BY THE WATER WORKS OF SAID
TOWN AND OTHER MATTERS CONNECTED THEREWITH**

WHEREAS, the Town Council of the Town of Knightstown, Indiana, has for many years operated a water utility within the incorporated limits of Knightstown, Indiana; and

WHEREAS, the Town Council of the Town of Knightstown, Indiana, believes that codification and organization of the terms and conditions of usage of the water system is in the best interest of the health, safety and welfare of the citizens of Knightstown, Indiana, and the efficient operation of the sewer utility.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KNIGHTSTOWN, INDIANA, as follows:

SECTION I

Title V, Chapter 52, Water, shall be amended as set forth below:

§ 52.01 Definitions.

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

ACT. The Federal Safe Drinking Water Act, as amended.

ASTM. The American Society for Testing and Materials.

AUTHORITY. The Knightstown Water Utility .

BUILDING MAIN. The portion of the distribution system consisting of private service pipe, meter settings, and all other materials needed to transport water from the public service pipe to the customer's premises.

COUNCIL or TOWN COUNCIL. The elected legislative body of the town.

CURB STOP. A valve installed on or near a property line used to stop the flow of water into a building main, and is the terminus of installation, maintenance, and repair responsibility provided by the Knightstown Water Utility.

CUSTOMER. Any person as defined in this chapter that consumes or is provided water provided by and/or distributed by the Knightstown Water Utility.

DAY. The 24-hour period beginning at 12:01 a.m.

EASEMENT. An acquired legal right for specific use of land owned by others.

EPA. The United States Environmental Protection Agency.

FEDERAL. The government of the United States of America and regulatory agencies thereof.

FINISHED WATER. Water treated in a manner that it is suitable for human consumption.

HISTORY OF BEING PAST DUE.

(A) Having been past due on more than one occurrence during the preceding 12-month period.

(B) Having any service disconnected as a result of nonpayment during the preceding 24-month period; or

(C) Being past due on the date service is terminated. (This includes those customers who requested service be terminated at one location (account) and connected at a new location (account) as a result of moving to the new location).

INTERFERENCE. Intentional inhibition or disruption.

IURC. Indiana Utility Regulatory Commission.

KNIGHTSTOWN WATER UTILITY. The authority controlling, regulating, and maintaining the water supply system.

LOCAL UNIT OF GOVERNMENT. Any county or municipality having the ability to promulgate ordinances including those having enforceable penalties related to water use.

MANDATORY CONSERVATION. Compliance with the Town of Knightstown's imposition of requirements that are designed to reduce certain kinds and types of water use.

MANAGER. The Public Works Director, the Clerk-Treasurer, the Water Utility Billing Clerk and authorized designees.

MAY. The act referred to is permissible.

MCL. The Maximum Contaminant Level allowed of various substances in water provided for human consumption.

MCLGs. The Maximum Contaminant Level Goal in regard to water quality.

NON-OWNER, NON-OWNER CUSTOMER. A customer who is not the owner of

the premises to which water service is being provided, connected, or disconnected, or otherwise affected by this chapter. This includes, but is not limited to, tenants, lessees, and other occupants who are customers but do not own the property to which services are provided.

NON-OWNER OCCUPIED. A premises is considered to be **NON-OWNER OCCUPIED** when a person other than the owner occupies or resides at the premises. This includes, but is not limited to, premises or properties occupied by tenants, lessees, and other occupants who are not owners.

OTHER AUTHORITY. Other bona fide regulatory agencies.

OWNER. The person that owns the premises to which water service is being provided, connected, or disconnected, or otherwise affected by this chapter.

OWNER OCCUPIED. A premises is considered to be **OWNER OCCUPIED** when the owner of the premises occupies or resides at the premises.

PERMIT. The agreement between the Knightstown Water Utility and the owner, customer, or tenant in regard to the provision and consumption of water service.

PERSON. An individual, firm, company, association, partnership, society, corporation, or group.

PREMISES. All customer owned or operated buildings, premises, facilities, or other divisions which receive water services.

PRIVATE. When used as a prefix, shall mean that portion of the water system for which the customer bears installation, maintenance, and repair responsibility.

PUBLIC. When used as a prefix, shall mean that portion of the water system for which the Knightstown Water Utility exercises control and bears maintenance and repair responsibility.

PUBLIC SERVICE PIPES. A service pipe in which all owners of abutting properties have access, but is controlled by the Knightstown Water Utility.

SERVICE OWNER. A customer who has received a permit for service and has been assigned a service account number.

SERVICE PIPE. A pipe or conduit used to carry water.

SHALL. The act referred to is mandatory.

STANDARD METHODS. The most recent edition of *Standard Methods for*

Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation, and American Water Works Association.

STATE. The State of Indiana and regulatory agencies thereof.

SUPERINTENDENT. When used in this chapter, shall have the same meaning as **MANAGER**, as defined in this section.

TAP ON. The installation of a curb stop for the customer to access the public service pipe by extending the building main to the curb stop.

TAP ON FEE. The fee assessed the customer for the installation of a curb stop and connection to the public main.

TOWN. The municipal corporation known as Knightstown, Indiana.

TREATED WATER. Water treated in a manner that is suitable for human consumption or for another designated use.

VOLUNTARY CONSERVATION. Compliance with the Town of Knightstown's request to reduce water use.

WATER. The elemental compound H₂O which has been properly treated with decontaminates and other health safeguards, in amounts as to be rendered safe for human consumption.

WATER MAIN. All portions of the public service pipe to include: pipe, valves, booster station, storage tanks, and other components required to carry water from the wells through the public distribution system.

WATER RATIONING. Compliance with the Town of Knightstown's imposition of restrictions that will reduce demand for water to a maximum allowable quantity within a finite time interval (e.g. gallons per person per day).

WATER SERVICE PIPES. A service pipe which contains and carries only water that has been treated by the Knightstown Water Utility, and to which no other foreign water shall be intentionally admitted.

WATER TREATMENT PLANT. Any and all devices, structures, and processes used to decontaminate water prior to the introduction of the water into the public distribution system.

WATER UTILITY MANAGER or **UTILITY MANAGER.** Shall have the same meaning as **MANAGER**, as defined in this section.

WATERWORKS. Any or all facilities and processes used to originate, pump, treat, purify, store, and transport water provided for human consumption.

§ 52.02 PURPOSE.

The purpose of this chapter is to provide for the maximum possible beneficial public use of the Knightstown Water Utility system, through regulation of construction, use, and equitable distribution of costs; and the provision of procedures for complying with the requirements contained herein.

§ 52.03 SCOPE.

The provisions of this chapter shall apply to all water customers served by the Knightstown Water Utility. This chapter provides for the use of the town water facilities through regulation of construction, customer use, and equitable distribution of costs; and procedures for compliance with the requirements found herein.

§ 52.04 ADMINISTRATION.

Except as otherwise provided herein, the Public Works Director, the Clerk-Treasurer and the Knightstown Water Utility Billing Clerk shall administer, implement, and cause enforcement of the provisions of this chapter.

§ 52.05 NOTICE OF VIOLATION.

Any person found in violation of this chapter, or any requirements of a permit issued hereunder, may be served with written notice stating the nature of the violation and allowing ten (10) business days for the violation to be cured or any additional time thereafter agreed to by the Manager and the customer. Any notice shall be given in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Manager. When the address is unknown, service may be made on the owner of record as shown by the county tax records of the property involved. If satisfactory action is not forthcoming in the time allotted in the notice, the provisions of § 52.99 shall be invoked.

§ 52.06 COLLECTION OF FEES AND CHARGES.

(A) All fees and charges payable under the provisions of this chapter shall be paid to the Knightstown Water Utility. The fees and charges as set forth herein or as established by tariff through the IURC shall constitute fees payable.

(B) All fees, penalties, and charges collected under this chapter shall be used for the sole purpose of constructing, operating, or maintaining the Knightstown Water Utility facilities, or the retirement of debt incurred for same pursuant to state and federal law.

(C) (1) All fees and charges payable under the provisions of this chapter are due no later than 15 days from the date of billing as set forth in any utility billing of the town ("due date" or "Due Date"). In the event that any service charges are not paid on or before the due date, the unpaid charges are delinquent and shall be subject to a late fee or penalty as set forth in § 52.08 below. In addition to incurring a late fee or penalty charges, in the event that any fees and charges are not paid in full within fifteen (15) days of the due date, such nonpayment shall result in the service to the customer being disconnected. Fees and deposits associated with any reconnection of service shall be as set forth in this chapter, and a deposit may be increased as a result of a disconnection, pursuant to the Deposit Schedule set forth in § 52.08. The bill sent to the customer will indicate that if the bill remains delinquent for a period of fifteen (15) days after the due date thereof, it may result in the services to the customer being disconnected after issuance of a disconnection notice.

(2) In addition to any fees and charges, including late fees, in the event that the Knightstown Water Utility takes any action to recover delinquent or unpaid fees and charges, the customer shall be responsible for any and all costs of collection incurred by the Knightstown Water Utility, including, but not limited to, attorney fees and/or any fees paid to a collection agency.

§ 52.07 INSPECTIONS.

(A) The Manager, or the Manager's authorized representative, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement, meter reading, or sampling of the water provided, to ensure compliance with the provisions of this chapter.

(B) The Manager, or the Manager's authorized representative, bearing proper credentials and identification, shall be permitted to enter all private property at reasonable times, through which the Town or the Knightstown Water Utility holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any of the Knightstown Water Utility's water facilities within the easement. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(C) While performing the necessary work on private property referred to in divisions (A) and (B) above, the Manager, or the Manager's authorized representative, shall observe all reasonable safety rules established by the owner or occupant of the property and applicable to the premises when communicated by the owner or occupant, but the Knightstown Water Utility assumes no liability to any party for violations thereof.

(D) Whenever the water service is disconnected from any consumer for any reason, and the Manager does not deem the turning off a sufficient prohibition against the further use of water from the pipes, the service pipe may be detached from the mains by turning off the water supply at the curb stop or the withdrawal of the ferrule from the main, and shall not be reconnected or turned on again until the total cost of removing, turning off, and reinstating

the ferrule and turning on the water service are paid at the office.

§ 52.08 RATE SCHEDULE.

(A) *Monthly Service Charge.*

Each user shall pay a monthly service charge in accordance with the size of meter installed, as set forth in the following schedule:

<u>Meter Size</u>		<u>Monthly Charge</u>
5/8 - 3/4	inch meter	\$ 3.84
1	inch meter	5.38
1 1/2	inch meter	6.92
2	inch meter	11.13
3	inch meter	42.25
4	inch meter	53.77
6	inch meter	80.65
8	inch meter	111.38

(B) *Metered Rates.*

In addition to the monthly service charge the customer will be charged a volumetric rate as set forth in the following schedule:

<u>Consumption Per Month</u>	<u>Rate Per 1,000 Gallons</u>
First 7,000 gallons	\$ 4.44
All Over 7,000 gallons	2.40

(C) *Fire Protection Service.*

<u>Fire Protection Charge</u>	<u>Per Month</u>
5/8 inch connection	\$ 4.21
3/4 inch connection	6.32
1 inch connection	10.53
1 1/4 inch connection	16.85
1 1/2 inch connection	21.06
2 inch connection	33.69
3 inch connection	63.17
4 inch connection	105.29
6 inch connection	210.57
8 inch connection	336.91

	<u>Per Annum</u>
Hydrant rental:	
Private hydrants, per hydrant	\$552.71
Automatic sprinklers:	
1 inch connection	\$ 15.35
1 1/2 inch connection	34.55
2 inch connection	61.41
3 inch connection	138.17
4 inch connection	245.65
6 inch connection	552.71
8 inch connection	982.59

(D) *Temporary Users.*

Water furnished to temporary users such as contractors, etc., shall be charged on the basis of the metered rates hereinbefore set forth as estimated and established by the Waterworks Superintendent.

(E) *Collection or Deferred Payment Charge.*

All bills for water service not paid before the due date as stated on such bills shall be subject to the collection or deferred payment charge of 10% of that part of the delinquent amount which does not exceed \$3.00 plus 3% of any delinquent amount in excess of \$3.00.

(F) *Charges for Inspection Fees.*

(1) *Inspection fees.* Any entity, or individual, requesting an inspection and/or testing of water mains, any other portion of a water distribution system, and/or any other facilities associated therewith, shall first pay an inspection fee before the inspector's report and/or the issuance of a release approving said infrastructure shall be issued. The fees shall be calculated taking into account the following considerations:

(a) A sum equal to the inspector's total hourly rate of pay, both regular and/or overtime if applicable, plus benefits, for all hours devoted to any aspect of the inspection process which fees shall be invoiced to the person, or entity, requesting the inspection and/or testing services, upon the completion thereof.

(b) The applicant shall pay an inspector's vehicle charge in addition thereto at the rate of \$25.00 per day for all or part of any day the inspector devotes to the inspection and/or testing of the subject infrastructure, which shall be invoiced to the person or entity requesting the inspection and/or testing services, upon completion thereof.

(c) Inspection and/or testing services requested to be conducted on a weekend or holiday shall be subject to the inspector's availability and all such time applicable to the requested services by the inspectors shall be paid at the inspector's overtime hourly rate, plus benefits, which shall be invoiced to the person, or entity, requesting the inspection and/or testing services upon the completion thereof. An exception to the charges set forth above, shall be for services described in division (1)(d) of this section.

(d) Any inspection and/or testing of an individual line requested to be done and which are performed on a weekend other than those inspections and/or testings set forth in division (1)(c) of this section shall be charged and invoiced at the rate of \$100.00 for each trip to the inspection/testing site.

(2) When deemed necessary by the Knightstown Water Utility Superintendent or Foreman, a designee of the Knightstown Water Utility shall be on-site as an "installation inspector" to assure adherence to town standards by the contractor and the following provisions shall apply:

(a) The "installation inspector" shall remain on-site until the Knightstown Water Utility Superintendent and/or Foreman deems the contractor to be aware of, able, and committed to following the guidelines set forth in the town approved construction documents.

(b) Fees associated with services of this division shall be invoiced in accordance with the provisions of § 52.08(F) and must be paid in full prior to inspection/testing of the water distribution system.

(G) *Irrigation Sprinklers.* Irrigation sprinklers with separate meters can be combined with regular water usage into one account in our software billing system which account shall include the minimum charge and gallons allowed above.

(H) *Tapping Fees.*

Each user, at the time he is connected with the waterworks system, shall pay a charge to cover the costs of tapping the main, furnishing and laying service pipe, corporation and stop cocks, service and meter box and installing the meter.

The charge for 5/8 inch or 3/4 inch meter taps shall be \$705. The charge for a tap larger than 5/8 inch meter tape will be the cost of labor and materials but not less than the charge for a 5/8 inch meter tap.

(I) *Reconnection Charge.* After any water service is discontinued to any property serviced by the Knightstown Water Utility because of failure to pay water bills, there shall be imposed a fee of \$25.00 for turning on the water service.

(J) *Bad Check Charge.* Any user of the Knightstown Municipal Water Utility,

who, upon payment of their account, submits a check that is subsequently dishonored by the bank shall be assessed a \$15.00 charge.

(K) *Customer Meter Deposit.*

\$30.00

(L) *Multiple Billing Units.* In the case of apartment houses, multiple dwelling units, mobile home courts, or business houses occupied by more than one business, each apartment, dwelling unit, mobile home, and business division shall be considered a separate unit for billing purposes. Where the physical structure is such that it would be economically prohibitive to meter each unit separately, subject to the provisions of § 52.19 below, and more than one unit is metered by a single meter, then the amount of the water bill shall be computed as follows:

(1) The minimum charge will be the current minimum rate as established in the latest applicable rate schedule of the Town Water Rate Ordinance multiplied by the number of units not having been granted an official interruption of service by the water utility.

(2) The charge shall be calculated on the basis of the total gallons used at the current rate set forth in the latest applicable rate schedule of the Town Water Rate Ordinance, but in no case shall the charge be less than the minimum as defined in division (L)(1) above.

(3) In all cases of multiple billing units with one master meter, the water charges shall be billed to the owner(s) of the property service and the owner(s) shall be responsible for the payment thereof.

§ 52.09 UTILITY'S RIGHT TO DISCONTINUE SERVICE.

(A) Utility may discontinue Service to any customer (and refuse to serve any other member of the same household or firm at the same premises) without notice for any of the following reasons:

(1) When, in the Knightstown Water Utility's opinion, a condition that is dangerous or hazardous to life, physical safety or property exists;

(2) When emergency repairs must be made to Knightstown Water Utility's facilities or system;

(3) When there has been tampering with Knightstown Water Utility's meters or equipment, or evidence of fraudulent or unauthorized use of water in such a manner as to circumvent Knightstown Water Utility's meter;

(4) When customer resells, redistributes, transfers or delivers water to others;

(5) When directed to do so by a court, another duly authorized public authority or a properly authorized government agency;

(6) The wasting or improper use of water through the use of defective fixtures, or in any manner deemed wasteful as identified by the Manager to the extent of jeopardizing the water supply;

(7) For failure to apply for a permit in case of change of ownership or tenancy;

(8) For any intentional defrauding of the Knightstown Water Utility in any manner; or

(9) For refusing to allow the Knightstown Water Utility personnel safe ingress for the purpose of reading a water meter and/or repairing or providing service.

(B) Knightstown Water Utility may discontinue service after fourteen (14) days prior written notice to any customer (and refuse to serve any other member of the same household or firm at the same Premises) for any of the following reasons:

(1) When any delinquent bill remains unpaid;

(2) When planned repairs are to be made to Knightstown Water Utility's facilities or system;

(3) When customer denies access by employees of Knightstown Water Utility to its meters or other facilities;

(4) When customer uses equipment in such a manner as to adversely affect Knightstown Water Utility's system or service supplied by Knightstown Water Utility to other customers; or

(5) When customer fails to comply with the provisions of (i) this Ordinance, or (ii) the Rate Schedule, or (iii) the contract for service.

(C) Discontinuance of service in accordance with the provision of subdivisions (A) and (B) above shall not constitute a breach of any obligation of Knightstown Water Utility under any contract for service with customer, and Knightstown Water Utility shall not in any case be liable to customer for any damages resulting from such discontinuances of service. Such discontinuance also shall not invalidate any provisions of the contract with customer or this Ordinance, and Knightstown Water Utility shall have the right to enforce all obligations thereunder regardless of discontinuance.

(D) If, for any reason, Knightstown Water Utility has issued a disconnection notice, but because of a medical postponement, duly authorized bill payment extension agreement,

or pendency of a dispute resolution proceeding as provided for under § 52.28, Knightstown Water Utility may disconnect such service without further notice, upon the expiration of such postponement or any breach of such authorized extension agreement.

(E) A disconnection notice must contain the following:

- (1) The date of the proposed disconnection.
- (2) The specific factual basis and reason for the proposed disconnection.
- (3) The telephone number of the Knightstown Water Utility for the customer to call during regular business hours in order to question the proposed disconnection received for information concerning his/her rights.
- (4) Reference to the materials previously furnished the customer as to their rights.

(F) Immediately preceding the actual disconnection of services, the designated employee of the utility shall:

- (1) Make a reasonable attempt to identify himself/herself to the customer or any other responsible person then upon the premises.
- (2) Announce the purpose of his/her presence.
- (3) Make a written record to be maintained for at least 30 days by the utility of the date, time and location of the visit, as well as the identity of the individual(s) to whom the employee communicated.
- (4) Have in his/her possession sufficient information to enable him/her to inform the customer or other responsible person the reason for the disconnection, including the amount of any delinquent bill.
- (5) Request of the customer any available verification that the customer may have that the outstanding bill has been satisfied or is currently in dispute pursuant to review.
- (6) After disconnection, give to the responsible person at the user's premises, or if no one is at home, shall leave in a conspicuous location on the premises, notice stating that service has been disconnected and stating the address and telephone number of the utility where the user may arrange to have service reconnected.

§ 52.10 VANDALISM.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the town's waterworks. Any person who violates this section shall be subject to a penalty for each violation as set forth in § 52.99. Civil action deemed necessary by the town to recover loss

and damages incurred will not be abrogated by the imposition of any penalties for the violation or by criminal proceedings and dispositions under state or federal law, or limited by penalties contained herein.

§ 52.11 RULES TO GOVERN WATER USERS.

The rules, regulations, water rate schedules, fees, and charges shall be considered a part of the contract with every person who is supplied with water by the Knightstown Water Utility, and every person using water supplied by the Knightstown Water Utility shall be considered to have expressed consent to be bound by the rules and regulations and to have agreed to the payment of the water rates, fees, and charges.

§ 52.12 SEVERABILITY.

A finding by any court or other jurisdiction that any part of provision of this chapter is invalid shall not affect the validity of any other part or provision of this chapter that can be implemented without the invalid parts or provisions.

§ 52.13 CASH RESERVE FUND.

(A) A cash reserve fund is created for the Knightstown Water Utility and carried on the records of the Knightstown Water Utility, to which fund contributions or transfers of surplus earnings of the Knightstown Water Utility may be made by resolution. Any authorized transfer of surplus earnings shall be made no later than the tenth working day of the month following authorization.

(B) Surplus earnings are defined as those cash earnings remaining after provisions have been made to take care of current obligations, including those for operating expenses, depreciation or replacement funds, sinking fund, bond and interest retirement funds, or any other priority fund requirements fixed by ordinance or by law.

(C) No transfer to the cash reserve fund shall be made unless or until a depreciation or replacement fund has been established for the Utility to which shall accrue at least 21.5% of the operating revenues each month.

§ 52.14 TRANSFER OF CASH RESERVE FUND BALANCE TO GENERAL FUND.

In each calendar year, the Town Council may transfer by resolution to the municipal general fund an amount to compensate the town for taxes that would be due the town on the Knightstown Water Utility property if it were privately owned. Each transfer shall be billed on the value of the Knightstown Water Utility's assets as would be subject to taxes on December 31 of the previous year. However, the transfer shall not exceed the actual balance of the cash reserve fund as of July 31 of the current year.

§ 52.15 APPLICATIONS AND REQUEST FOR SERVICE; DEPOSITS AND PERMITS.

(A) One person may, at the town's discretion, be named on the contract or permit application as the service owner. Applications for water service shall be in writing and be delivered in person at the business office of the Knightstown Water Utility on a form provided by the Knightstown Water Utility entitled "Application for Utility Service."

(1) Any requirements of a cash deposit, connection or reconnection fee, or other fees, and/or credit worthy criteria, as provided in this chapter, shall be paid and/or submitted before any utility service will be rendered, including:

- (a) Request for a permit to connect to the Knightstown Water Utility;
- (b) Request for tap on (curb stop) installation;
- (c) Disconnections or reconnections for nonpayment, improper tampering or use, or vacation status;
- (d) Owner or non-owner initiated discontinuance of service. A written request is required and must be completed using a form provided by the Knightstown Water Utility, entitled "Request for Discontinuance of Service." The form shall contain a release to be signed by any non-owner customer (if applicable) and the owner of the property. The customer is required to be present for any final readouts. All fees and charges not paid shall be due and payable on or before the due date reflected on the final bill; and
- (e) Landlord Transfer Agreement. (See § 52.30)

(2) In order for utility service to be rendered to an applicant, owner, or non-owner, all prior accounts and amounts due or written off as bad debt regarding the applicant or in the applicant's name must be paid, and any collection costs or legal fees paid to outside agencies or parties as a result of the applicant's failure to pay must be reimbursed before a new account will be established for that applicant.

(3) Any request for service shall be made to the Knightstown Water Utility no less than 72 hours in advance of the time service is desired, excluding non-business days. If the requested service involves construction, equipment installation, or special considerations, the request shall be made to the Knightstown Water Utility no less than 45 days in advance of the time service is desired.

(B) Any customer requesting utility service at a different location than where that customer currently has, or previously had, service, shall be required to complete an application for utility service for that specific location on the form provided by the Knightstown Water Utility, and to pay the deposit and following the procedures regarding

the payment of deposit, as set forth in division (G) below, at the time that the customer submits the application in person at the business office of the town.

(C) When submitting the application for utility service, the applicant will be asked for proof of identification (driver's license or state issued ID preferred). This is necessary to aid in the collection process, if necessary, and to eliminate possible falsification of customer information. The appropriate Knightstown Water Utility personnel at the Knightstown Water Utility's business office will make a copy of the proof document and attach it to the application.

(D) If the applicant is not the owner of the property to which service is being requested (non-owner customer), the property owner or a properly authorized agent of the property owner shall sign the owner's certificate section of the application. The signature of the owner must be notarized or signed in the presence of a representative of the Knightstown Water Utility, who shall witness the application at the business office as provided therein. The signature of the application by an applicant is an acknowledgment that the applicant understands and agrees to the responsibilities, requirements, including, but not limited to, the payment and deposit requirements, set forth in Chapter 52 of the Town Code of Ordinances, and the applicant's agreement to comply with the Town Code of Ordinances relevant to utility services.

(E) After reviewing the application for completeness, the Knightstown Water Utility will determine the deposit required, if any, and review computer and/or other records to verify that the applicant has no previous history of being past due and for any previous account balances that may still be owed to the Knightstown Water Utility. Upon payment of any required cash deposit, a receipt will be issued by the Knightstown Water Utility to the applicant.

(F) Copies of the application for utility service form will be available at the business office of the Knightstown Water Utility for use by potential applicants, property owners, non-owner customers, and those who are new construction homeowners.

(G) Service Deposit.

(1) Knightstown Water Utility may require from a residential applicant or Customer at any time prior to or after the commencement of service, a service deposit to guarantee payment of rates and charges for service. Such service deposit shall normally be based on one-sixth ($1/6$) of the estimated annual cost of service or such lesser amount as may be deemed appropriate by Knightstown Water Utility.

(2) Each new applicant for residential Knightstown Water Utility service shall be deemed creditworthy and shall not be required to make a cash deposit as a condition of receiving Service, provided the applicant satisfies the criteria set forth in either (a) or (b) below:

(a) Applicant has been a customer of any utility within the last two years and: (i) owes no outstanding bills for service rendered by any such utility within the past four (4) years, (ii), during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills which were delinquent to any utility or, if service was rendered for a period for less than twelve (12) months, did not have more than one (1) delinquent bill in such a period, and (iii), within the last two (2) years did not have a service disconnected by a utility for non-payment of a bill for service rendered by that utility.

(b) If applicant has not been a customer of any utility during the previous two (2) years, any two (2) of the following three criteria are met:

(i) The applicant has either (a) been employed for two years by the same employer, or (b) the applicant has been employed by his present employer for less than two (2) years but the applicant has been employed by only one other employer during the past two (2) years, or (c) the applicant has been employed by the present employer for less than two (2) years and has no previous employment due to having recently graduated from a school, university, vocational program or has recently been discharged from military service.

(ii) The applicant either (a) owns or is buying his or her home, or (b) is renting a home or an Apartment and has occupied the Premises for more than two (2) years.

(iii) The applicant has credit cards, charge accounts, or has been extended credit by a bank, commercial concern or individual, unless a credit check shows that the applicant has been in default on any such account more than twice within the last twelve (12) months.

(3) A non-residential customer may be required at any time, or from time to time, to make a cash deposit to assure payment of such customer's bill. Such deposit may be required as a condition for obtaining or continuing Service. The amount of the deposit will be based on the amount of the two (2) highest Months usage based on the most recent twelve (12) months' historical usage or projected annual usage. A non-residential applicant or customer shall be deemed creditworthy and shall not be required to make a cash deposit as a condition of receiving Service, provided the applicant satisfies the criteria set forth in either (a) or (b) below:

(a) Applicant has been a customer of any utility within the last two (2) years and: (i) owes no outstanding bills for service rendered by any such utility within the past four (4) years, (ii), during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills which were delinquent to any utility or, if service was rendered for a period for less than twelve (12) months, did not have more than one (1) delinquent bill in such a period, and (iii), within the last two (2) years did not have a service disconnected by an utility for non-payment of a bill for service rendered by that

utility.

(b) If applicant has not been a customer of an utility during the previous two (2) years, any two (2) of the following three criteria are met:

(i) applicant has been operating his place of business for two (2) years.

(ii) applicant either (a) owns or is buying his place of business, or (b) is renting his place of business and has occupied the premises for more than two (2) years.

(iii) applicant has been extended credit by a bank or commercial concern, unless a credit check shows that the applicant has been in default on any such account more than twice within the last twelve (12) months.

(4) A service deposit may be returned by Knightstown Water Utility when customer has demonstrated creditworthiness by establishing an acceptable payment pattern as determined by Knightstown Water Utility.

When Knightstown Water Utility determines that an existing customer's creditworthiness has been impaired and/or in the case of a residential customer, one-sixth (1/6) of the annual billings for the customer exceed the amount of deposit, Knightstown Water Utility may require a deposit equal to one-sixth (1/6) of the expected annual billings for the customer or an increase in the amount initially deposited so that the total deposit one-sixth (1/6) of the expected annual billings for the customer.

If an existing non-residential customer's creditworthiness has been impaired and/or deposit balance is less than the amount of the (2) two highest months' usage as described above, Knightstown Water Utility may require the non-residential customer to provide an additional deposit amount so that the balance of the deposit is equal to the two (2) highest months usage.

A customer's creditworthiness will be considered to have been impaired when the customer has been mailed disconnect notices for two (2) consecutive months or any three (3) months within the preceding twelve (12) month period, or when the service has been disconnected for non-payment.

(5) Service deposits held for a period exceeding thirteen (13) months shall bear simple interest, at the rate of one percent (1%) per annum, from the date of deposit until service is discontinued or Knightstown Water Utility makes a refund of such deposit.

(6) Such service deposits plus any accrued interest minus the amount of any unpaid bills shall be returned to customer upon the discontinuance of service for which such deposit was made. Knightstown Water Utility shall have reasonable time in which to read and remove the meters and to ascertain that the obligations of the customer have been fully

performed before being required to return any deposit or interest on such deposit. Knightstown Water Utility may refund such deposits by applying the deposit and/or accrued interest to the bill and such application shall constitute a lawful disposition of such deposits.

§ 52.16 RECONNECTIONS.

(A) *Nonpayment reconnections.* A service charge of \$25 shall be collected for reinstating any service after a work order has been issued to disconnect the meter for nonpayment of charges if service is reconnected with the normally scheduled working hours of the Knightstown Water Utility employees. Additionally, any past due or delinquent fees and/or charges must be paid in full prior to reconnection.

(B) *Vacations.* Service may be temporarily disconnected on a temporary vacation status not to exceed six months. The charge shall be \$25 for each disconnect and reconnect of the water service if accomplished within the normally scheduled working hours of the Knightstown Water Utility employees. The disconnection service shall only apply to the occupants of the premises in question wherein a temporary vacancy exists for the above stated purpose and the occupants in question will return to occupy the premises. Any request is to be made at least two working days prior to owner's departure to allow for scheduling by Knightstown Water Utility personnel.

§ 52.17 CHARGES WHEN WATER METER FAILS.

In case of the failure of any meter, the Knightstown Water Utility may bill for usage based on the average of billings for last six months before the meter failed to register properly.

§ 52.18 INTENT OF THE KNIGHTSTOWN WATER UTILITY.

(A) The Knightstown Water Utility shall attempt to provide water for human consumption in accordance with the Safe Drinking Water Act and amendments thereof which may occur from time to time. The Act formulated by the EPA and enforced and monitored by state regulatory agents shall be the standard of water quality in regard to MCLs and MCLGs found therein.

(B) The Knightstown Water Utility shall maintain an ongoing sampling, testing, and analysis program to ensure compliance of water quality standards.

§ 52.19 WATER METERS.

(A) Any and all services shall be metered and the size of the meter to be used shall be determined by the Knightstown Water Utility Manager.

(B) Meters to be furnished by the Knightstown Water Utility are the property of the Knightstown Water Utility and shall not be tampered with under penalty of law.

(C) The placement of the meter shall be the option of the Knightstown Water Utility authority.

(D) Any changes in the service pipes or fixtures that may be necessary to set the meter properly to avoid freezing and the make all water used on the premises pass through the meter shall be at the expense of the property owner or consumer as applicable.

(E) Where meters are set within the interior of any premises, the customer shall keep the meter clean and maintain ease of access to the meter.

(F) The Knightstown Water Utility shall make a test on the accuracy of registration of a 3/4-inch or less water meter, upon written request of a customer to do so, and upon the customer depositing a \$20 fee with the Knightstown Water Utility. If the meter is found to be within the allowable limit of error, which shall be plus or minus 4%, the fee shall be retained by the Knightstown Water Utility. If the meter is found to be registering outside the allowable error limits, the fee shall be refunded to the depositor.

(G) Customers requesting the testing of water meters one inch or greater outside the time frames established for testing by the Knightstown Water Utility shall be assessed the actual cost of the test.

(H) The Knightstown Water Utility may schedule tests for accuracy if deemed necessary by the Knightstown Water Utility Manager or the Town Council within the following time frames:

(1) Three-quarter inch or less, every seven years; and

(2) One inch or more, every five years.

(I) As the Knightstown Water Utility exercises no control of the premises, interior plumbing construction, or fixtures, the customer shall sign an agreement holding Knightstown and the Knightstown Water Utility harmless from any and all damages when the meter is installed or removed and when water is turned off or turned.

(J) No person shall be permitted to install any water line or main and connect it to the water lines or mains of the town without prior approval from the Manager. Approval will not be granted without a signed statement on file at the Knightstown Water Utility's office that the installation will be constructed in accordance with ASTM standards for water line construction and applicable requirements of local building and plumbing codes and agreeing to inspection by appropriate Knightstown Water Utility personnel.

§ 52.20 SERVICE PIPES.

(A) Each and every single-family residence or single commercial concern under

one roof shall be served by a separate metered private service pipe.

(B) In the case of multi-family dwellings under one common roof, mobile home courts, and business houses with two or more businesses under one common roof and owned by one person, the concerns may be served by a master metered private service pipe upon written approval by the Knightstown Water Utility Manager. However, if more than one person of record controls the property such as may be the case with condominiums, duplexes, or other divisions of ownership under one common roof, then each separate division shall be metered separately on individual private service pipes. Failure to pay the water charges when due, or to comply with the rules and regulations of the Knightstown Water Utility shall be cause to initiate disconnect actions and there shall be no liability on the part of the Knightstown Water Utility to any persons or affected concerns.

(C) All service pipes must have stop and waste cocks between the outside meter and the customer premises for emergency shut offs and making repairs.

(D) Water shall be turned off or on at the curb stop in front of the meter by only the Knightstown Water Utility Manager or his designated employee and not by the customer.

(E) No private service pipes shall be allowed to be laid across lots belonging to another property owner, to serve the service owner, but each property shall be served by a private service pipe directly from the public service pipe curb stop to the premises.

(F) Any changes at the service owner's request necessary to be made in the location of a curb stop shall be made at the expense of the service owner. If the Knightstown Water Utility requires, the work notice shall be given to the service owner, and if the work is not completed within a reasonable length of time, the Knightstown Water Utility shall do the work, the expense shall be charged to the service owner, and if not paid on or before the subsequent billing date, the water service shall be terminated until the account is paid current. If the Knightstown Water Utility requires the work for a public benefit, the Town Council may waive the charges to the service owner.

(G) All private service pipes shall be constructed to accepted standards and practices in compliance with ASTM standards, and in no case shall a cross connection be made to other water sources that would circumvent the treatment process of the Knightstown Water Utility.

(H) In all cases where Knightstown Water Utility water service is directly connected to any device wherein a backflow pressure could occur, a Knightstown Water Utility approved anti-backflow device shall be installed to prevent foreign water or substances from entering the public water service.

(I) Wherein divisions of real estate or real estate development shall occur, the plans shall be filed with the Knightstown Water Utility for approval prior to permits for connection being issued.

(J) *Depth, Strength of Service Pipe.* All service or supply pipes in the ground must be held to a depth of not less than 30 inches and shall be attached to the meter box at the curb with a union close to the curb and not passing through or within two (2) feet of a fault, sewer, drip, or wall of any kind, and shall be protected from frost when deemed necessary by the Knightstown Water Utility Manager. In case there is a basement under the building which is entered by a pipe, a stop and waste valve must be placed at a convenient place close to the wall on the inside. However, if there is no basement to the building, then a stop and waste valve must be placed in the pipe 30 inches underground with a rod attached thereto running up to a convenient place, and an arrangement must be made around the stop and waste to allow the water escaping from it to run away so the meter may be drawn back and all of the pipes within the building emptied through the stop and waste valve by shutting the valve and opening the faucet at the highest joint and all other fixtures within the building, allowing air to enter the pipe. The waste must be kept open in exposed situations in cold weather at all times when the service is not used for drawing water.

(K) *Pipes to Incline Towards Stop and Waste Valve.* All pipes connected with the service inside any building shall be installed with an elevation towards the point where the stop and waste valve is located, without any sags and pockets, so that the pipes may thoroughly empty themselves from water when waste is opened. In cases where sags or traps are unavoidable, an additional stop and waste shall be put in so as to let the water out of the sags.

(L) All copper pipe used for buried service shall be of the kind known as type "K" and all iron pipes used for house service must withstand a hydraulic pressure of 150 pounds per square inch.

§ 52.21 MAINTENANCE OF FIXTURES.

(A) Persons receiving water from the Knightstown Water Utility must keep the service pipe and all the fixtures connected therewith in good repair and protected from frost at their own expense, and must prevent all unnecessary waste of water.

(B) Hydrants, taps, hose, water closets, urinals, bathtubs, or other fixtures will not be permitted to be kept running when not in actual use.

(C) If a hydrant, street washer, sprinkler, or hose is found out of order, leaking, or used for any other purpose than that for which it was intended, the water service will be shut off without prior notice.

§ 52.22 PRIVATE HYDRANTS.

If the proprietors of lumber yards, manufactories, halls, hotels, stores, or public buildings, or regular customers of water from Knightstown Water Utility wish to lay large pipe with hydrant or hose couplings to be used only in case of fire, they will be permitted to

connect with the street mains, upon application to the Knightstown Water Utility Manager and under his direction, at the customer's own expense, and will be allowed the use of water for fire purposes only with charges for water usage to be assessed pursuant to § 52.08.

§ 52.23 LOCATION OF HYDRANTS.

No hydrant shall be placed within the limits of any street unless the hydrant is securely closed, protected against general use, and only after approval of the location, in writing, by the Knightstown Water Utility Manager.

§ 52.24 YARD HYDRANTS.

All yard hydrants must be provided with a waste at the bottom so that when the valve is closed at the foot the water will run out. A space must be left at the bottom of all fixtures allowing the water to run away from the fixtures.

§ 52.25 USAGE OF WATER DURING EMERGENCIES.

(A) In the event of an emergency pertaining to the supply availability of water, whereby the usage or consumption of water may exceed the supply available to the Knightstown Water Utility, the Town Council is hereby empowered to issue and cause enforcement of emergency rules and regulations curtailing and limiting usage or consumption of water supplied by the waterworks to the customer.

(B) Any person who shall violate any emergency rule or regulation shall be subject to a penalty as set for in § 52.99.

§ 52.26 TAKING WATER FROM HYDRANTS OR FIXTURES WITHOUT AUTHORIZATION.

(A) All service owners are prohibited from furnishing water or allowing it to be taken from their hydrants or fixtures by other persons, unless the other persons secure a permit from the Knightstown Water Utility Manager.

(B) No person shall take water from any public hydrant except for fire or other governmental usage applications, without authorization from the Knightstown Water Utility Manager. The water shall be metered or verified by the Manager and rates as established in the latest applicable rate schedule of the Knightstown Water Rate Ordinance shall be charged.

(C) Any person who, without authorization from the Knightstown Water Utility Manager, intentionally and unlawfully diverts water from the water main, or otherwise intentionally and unlawfully uses or causes to be used, without authorization of the Manager, any water distributed by the Knightstown Water Utility, shall be prosecuted for any criminal violations that may be applicable, and also for any damage or loss to the town as provided

by law, and shall be liable to the town for a penalty as set forth in § 52.99.

(D) The resale of water supplied by the Knightstown Water Utility to a customer of water service by the customer to any other person is strictly prohibited.

§ 52.27 GRANTING OF SERVICE TO USERS OUTSIDE THE TOWN LIMITS.

(A) No person requesting service outside the town limits shall be authorized to tap into any water line or main of the Knightstown Water Utility without obtaining the express written authorization of the Town Council as such appears in the official record and minutes of the Town Council.

(B) No person shall be permitted to install any private water line or main and connect it to the water lines or mains of the Knightstown Water Utility without the express written approval of the Knightstown Water Utility Manager certifying that the lines and mains have been or will be constructed or installed in accordance with ASTM standards for water line construction and applicable requirements of local building and plumbing codes, and agreeing to inspection by appropriate town and Utility personnel.

(C) Upon receipt of an application for extended service by any person to any area not authorized by the Town Council for general public service, the Town Council may enter into a written and properly executed agreement between the person requesting the service and the Town Council.

§ 52.28 CUSTOMER COMPLAINTS AND DISPUTE RESOLUTION.

(A) A Customer may file a complaint disputing a disconnection notice with the Knightstown Water Utility at any time either before receiving a disconnection notice or within three (3) business days after receiving such notice. Complaints must be made in writing and mailed or hand-delivered to the Utility's office at 26 S. Washington St., Knightstown, IN 46148; but, must be received by the Knightstown Water Utility within three (3) business days after the Customer's receipt of the disconnection notice. Upon receiving each such complaint, Knightstown Water Utility will investigate the matter, confer with the Customer when requested and notify the Customer in writing of its proposed disposition of the matter. Such written notification will advise the Customer that he may within five (5) business days request in writing a review of Knightstown Water Utility's resolution of the complaint by a Dispute Resolution Board (DRB).

(B) The Board will appoint a DRB that will be authorized to hear and decide any customer complaints that Knightstown Water Utility was not able to resolve under section 16.1. The DRB may be made up of between one (1) and three (3) members.

(C) Upon receiving a written request for review of a complaint resolution, the DRB will hold a hearing within five (5) business days and issue a written opinion thereafter. The

Customer will be notified in writing of the time and location of the hearing and shall be permitted to present its complaint to the DRB. The DRB's determination and its resolution of the complaint will be final and binding on the Customer and the Knightstown Water Utility.

(D) If a Customer receiving Service has paid and continues to pay all undisputed charges, Knightstown Water Utility shall not disconnect any Service related to disputed rates and charges while Knightstown Water Utility's proposed resolution is under review by the DRB. If a Customer and Knightstown Water Utility cannot agree what portion of the charges in a bill is undisputed, to avoid Disconnection, the Customer must pay on the disputed bill an amount equal to one-twelfth (1/12) of the estimated annual billing for Service to be rendered to the Customer. For a Customer who has been a Customer for at least twelve (12) months, the estimate will be based on the Customer's average bill for the twelve (12) months immediately preceding the disputed bill.

§ 52.29 LANDLORD TRANSFER AGREEMENT.

(A) Owners of property wherein there is a non-owner customer receiving water service, may, but shall not be required to, complete a Landlord Transfer Agreement form. The forms shall be made available by the Knightstown Water Utility to property owners upon request of the property owner. The Landlord Transfer Agreement is applicable where a property owner leases, rents, or otherwise allows occupancy or use by a non-owner customer.

(B) The owner of the property may enter into an agreement with the Knightstown Water Utility to provide for the continuance of water service in the event that the terms of this chapter would otherwise result in voluntary or involuntary termination of the service to the property. In such an event, the owner would be requesting, as part of the Landlord Transfer Agreement, that the Knightstown Water Utility continue water service to the property instead of actually disconnecting the water service based on nonpayment by the non-owner customer. In exchange for the Knightstown Water Utility not disconnecting the service, the owner agrees to and would be responsible for and pay all water service charges for services rendered to the property from the date that the Knightstown Water Utility would otherwise be authorized to disconnect the service until the date that the Knightstown Water Utility contracts with a new non-owner customer, the owner, or a new owner of the property, pursuant to the application process set forth in § 52.15, to be responsible for the water service and charges. Any such transfer would not occur in instances where disconnection is a result of a condition that is dangerous to health, physical safety, or property. Any such Landlord Transfer Agreement must be in a form adopted by the Town Council, and the owner must agree to and be responsible for the terms set forth therein. In the event that the Town Council adopts a revised or amended Landlord Transfer Agreement, the owner may be required to enter into the revised or amended Landlord Transfer Agreement in order to continue the water utility services thereunder.

(C) A Landlord Transfer Agreement would be treated as an application for services, and as such, would require any and all required paperwork and any deposit or

deposits required by the Knightstown Water Utility as set forth in this chapter, depending on the amount of properties listed as part of the Landlord Transfer Agreement and based on the creditworthiness of the owner as an applicant, as set forth in this chapter, for any other applicant for service. Failure to provide the required paperwork and any deposits, if applicable, would result in the Knightstown Water Utility not entering any Landlord Transfer Agreement.

§ 52.30 APPLICATION.

(A) This subchapter shall apply to all individuals, households, firms, partnerships, corporations, company or organizations connected to the Knightstown Water Utility or using water therefrom (hereinafter referred to as “users”).

(B) Secondary, or private water meters, used for the purpose of charging for water use shall be prohibited and not allowed unless prior approval, in writing, to install and/or use such meters has been obtained from the Knightstown Water Utility Manager.

§ 52.31 DECLARATION OF NEED.

Upon recommendation of the Knightstown Water Utility Manager, and a subsequent determination by the Town Council that a condition of water shortage exists, the Town Council on behalf of the Town of Knightstown, Indiana, and the Knightstown Water Utility shall declare a water conservation emergency and establish the appropriate measures and the duration thereof, which measures may include some or all of the following set forth in § § 52.33 through 52.39.

§ 52.32 CONSERVATIVE MEASURES.

Conservative measures of water conservation should be practiced at all times by all users; however, but may be made mandatory upon the Declaration of Need adopted as set forth above, including but not limited to, the conservation measures set forth below:

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

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

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

(D) Repairing or replacing leaking water fixtures and service lines.

(E) Using appliances such as clothes washers and dishwashers only when they are

full.

(F) Turning off the water while brushing teeth or shaving.

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

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

(I) Covering swimming pools when not in use to reduce evaporation.

§ 52.33 VOLUNTARY CONSERVATION.

Upon the issuance of a Declaration of Need, users shall be required to reduce water consumption by practicing voluntary conservation techniques, which techniques shall be identified by the Knightstown Water Utility, as reasonable and meaningful conservation techniques pursuant to notice as set forth in § 52.37 below, in addition to which the Knightstown Town Council, may also implement conservation pricing and prohibitions to encourage water conservation.

§ 52.34 MANDATORY CONSERVATION.

Upon the issuance of a Declaration of Need, during water shortages determined to be severe, users shall be prohibited from selected water uses under terms, times and conditions as the Manager shall adopt as part of their Declaration of Need without notice to all users as set forth in § 52.37 below.

§ 52.35 RATIONING.

If in the sole discretion of the Town Council, upon recommendation of the Knightstown Water Utility Manager, an extreme water shortage exists, or is anticipated to exist, the Manager may include within the Declaration of Need mandatory conservation measures limiting water usage to the following users and in the following manner:

(A) Residential use shall be limited to ____ gallons per residential unit per day.

(B) Business, commercial, agricultural, and industrial users shall be limited to the volume of water deemed to be essential.

§ 52.36 NOTICE.

(A) Upon the issuance of a Declaration of Need by the Manager, wherein said Declaration calls only for voluntary conservation measures, notice of the issuance of such a Declaration and the voluntary conservation measures to be adopted shall be issued using

one or more of the following methods as deemed appropriate by the Manager:

- (1) Notice published in a local newspaper of general circulation.
- (2) Notice through radio public service announcements.
- (3) Notice through local access television station announcements.
- (4) Notice through public service announcements on commercial television stations.
- (5) Any other method deemed appropriate by the Manager.

(B) If the Declaration of Need, as adopted by the Manager, declares a need for mandatory conservation measures or rationing, notice thereof shall be by First Class, United States Mail, or by door to door distribution to each current user, and by electronic and print media, which notice shall be deemed to have been effectively given at the conclusion of door to door distribution or at noon of the third day after depositing notice in the United States Mail, whichever shall occur first.

§ 52.37 ENFORCEMENT.

Any user who violates § 52.35 and § 52.36 of this subchapter may be subject to a penalty pursuant to § 52.99. In addition to the aforementioned fine, the water service may be terminated for any user who violates § 52.35 and § 52.36 of this subchapter. For users who violate § 52.34, no fine shall be imposed; however, water service may be terminated for noncompliance.

§ 52.99 PENALTY.

(A) Any person, firm or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the following:

- (1) A fine not exceeding \$2,500 for the first violation; and
- (2) A fine not exceeding \$7,500 for the second and subsequent violations, except for violations of ordinances regulating traffic and parking.

(B) A separate violation shall be deemed committed upon each day during which a violation occurs or continues.

SECTION II

This Ordinance shall be in full force and effect from and after its passage and publication as prescribed by law.

SECTION III

Introduced and filed on the _____ day of _____, 2014. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this _____ day of _____, 2014 by the Town Council of the Town of Knightstown, Henry County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

TOWN OF KNIGHTSTOWN, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Cassandra Steele

Cassandra Steele

Tony True

Tony True

Clyde South

Clyde South

Cort Swincher

Cort Swincher

Mitchell Roland

Mitchell Roland

ATTEST:

Bart Whitesitt, Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, P.O. Box 6, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.

F:\Gregg\MUNICIPAL\Knightstown\Ordinances\Water Operating Ordinance - 09-06-14.wpd