

CHAPTER 52: WATER

Section

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§ 52.01 STORM WATER RATES.

(A) For the use of and the service rendered by the storm water utility, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that discharges storm water, either directly or indirectly, into the storm water system of the town, which rates and charges shall be based on Equivalent Residential Units (ERU) payable as hereinafter provided and shall be in an amount determinable as follows based on the descriptions in division (E) below.

<i>Type of Property</i>	<i>ERU</i>	<i>Monthly Charge</i>
Residential	1.0	\$8
Apartments:		
First 4 dwelling units	1.0	\$8
Each additional dwelling unit	1.0	\$8
Commercial	2.0	\$16
Industrial	10.0	\$80
Municipal	2.0	\$16

(B) Rates and charges incurred under this section shall be prepared and collected by the town in accordance with those provisions regulating the preparation and issuance of bills for sewer service generally. The monies collected under this section shall be deposited in the Storm Water Revenue Fund.

(C) This section shall be in full force and effect from and after its passage, provided, however, that the schedule of rates and charges herein set forth shall be effective with the commencement of the billing cycle as soon as possible.

(D) (1) The rates and charges shall be prepared and billed by the town monthly, as the town may deem appropriate and as determined by the bylaws and regulations for the town as hereinafter provided by law and ordinance.

(2) This charge shall be paid, in arrears, by the twentieth of the month following the service. Current charges unpaid by the twentieth of the billing month will be assessed a penalty of 10%. The rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but billing shall in no way relieve the owner from liability in the event payment is not made as herein required.

(3) The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the town for the purpose of determining whether the rates and charges have been paid by the tenants, provided that an examination shall be made in the office in which the records are kept and during the hours that the office is open for business. If charges are not paid within 30 days after due, the amount of the charge, together with the penalty of 10%, any necessary attorney fees and/or any necessary collection fees, may be recovered by the town.

(E) (1) **APARTMENTS.** A structure with the primary purpose of serving 5 or more dwelling units. Included in this classification are planned apartment complexes with multiple units and multiple buildings under 1 property ownership. For billing purposes, the equivalent units for each structure that is separate and distant shall be:

(a) First 4 dwelling units: 1 ERU; and

(b) Each additional dwelling unit: 1 ERU.

(2) **COMMERCIAL.** A property or parcel of land which is primarily used for commercial purposes. Included within this classification are governmental and institutional properties, places of worship, schools and retail shops. For billing purposes, each facility that is separate and distinct shall be considered 2.0 equivalent residential units.

(3) **INDUSTRIAL.** A property or parcel of land that is used primarily for manufacturing purposes. For billing purposes, each site or other facility that is separate and distinct shall be considered 10.0 equivalent residential units.

(4) **MUNICIPAL.** A property or parcel of land that is used primarily for municipal purposes. For billing purposes, each municipal site shall be considered 2.0 equivalent residential units.

(5) **RESIDENTIAL.** A single-family structure for which the primary purpose is to provide not more than 4 dwelling units. Included within this classification are mobile homes, duplexes, modular homes and freestanding apartment units. For billing purposes, a structure shall be considered as 1 equivalent residential unit.

(Ord. 05-6-2, passed 8-8-2005)

§ 52.02 WATER RATES AND CHARGES.

There shall be and there are hereby established for the use of and the service rendered by the municipal water utility of the Town of Ossian, Indiana, the following rates and charges, based on the use of water supplied by the municipal water utility system:

<i>(A) Metered Rates Per Month:****</i>	<i>Phase I*</i>	<i>Phase II**</i>	<i>Phase III***</i>
1. Consumption Per Month			
First 2,500 gallons	\$ 4.97	\$ 5.94	\$ 7.10
Next 7,500 gallons	4.56	5.46	6.52
Next 15,000 gallons	3.84	4.58	5.48
Next 25,000 gallons	3.01	3.60	4.30
Over 50,000 gallons	2.28	2.73	3.26
2. Minimum Monthly Charge			
Each customer (user) shall pay a minimum charge each month in the amount of:	12.43	14.85	17.75
 (B) Fire Protection Charges: For stand-by, ready-to-serve, fire demand, the following charges shall apply:			
1. Hydrant charge - per hydrant, per annum:			
Municipal	179.31	214.28	256.06
Private	179.31	214.28	256.06
2. Fire sprinkler connections, per connection, per annum:			
2-inch connection	19.96	23.85	28.50
3-inch connection	44.81	53.55	63.99
4-inch connection	79.89	95.46	114.08
6-inch connection	179.31	214.28	256.06
8-inch connection	318.65	308.78	455.04

* The Phase I rates of (A) and (B) above shall be effective for the first full monthly billing period of the municipal water utility following the adoption and effectiveness of this section.

** The Phase II rates of (A) and (B) above shall supersede and replace those Phase I rates effective as of and for and after the first full monthly billing period of the municipal water utility following June 30,2009.

[Notes continue on page 50.]

*** The Phase III rates of (A) and (B) above shall supersede and replace those Phase II rates effective as of and for and after the first full monthly billing period of the municipal water utility following June 30, 2010.

**** The rates and charges fixed above shall apply to individual customers; they shall not be construed to permit multiple customers being served through one meter, except as expressly authorized in advance in writing by the Town Council.

(C) *Temporary users.* Water furnished to temporary users, such as contractors, shall be charged on the basis of the metered rates set forth herein.

(D) *Tapping charges, collection fees, bad check fees and reconnection charges.* Tapping charges, collection fees, bad check charges and reconnection fees shall be assessed in accordance with previously adopted ordinances determining these charges.

(Ord. 9, passed 5-10-2004; Am. Ord. 9, passed 10-13-2008)

§ 52.03 WATER QUALITY MANAGEMENT PLANNING RESPONSIBILITIES.

The Town of Ossian desires to be the approved designated Management Agency for the control of water pollution sources within its area of jurisdiction.

(Ord. 99-5-3, passed 5-4-1999)

§ 52.04 DAY TO DAY OPERATION.

(A) Application for water connection and the use of water shall be made at the Ossian Clerk-Treasurer's business office.

(B) The customer shall be required to keep the surroundings around the meter clean, dry and easily accessible to employees of the Ossian municipal water utility; and to protect same from freezing.

(C) No connection or alteration whatever shall be made ahead of the water meter, whereby water may be released without passing through the meter. Should it become necessary, through the process of making repairs or alterations in the pipe line to which the meter is attached, to remove the meter, a request shall be made to Ossian utilities for the removal, and water shall not be turned into same again until after proper inspection is made by Ossian utilities and the work approved.

(D) No person not so authorized shall tamper with or permit any tampering with any service pipe, curb stop or service valve, meter or meter seal or any other appliance or equipment owned by the utility. It is expressly understood and agreed that the Ossian utilities personnel shall have reasonable access to any meter.

(E) There shall be no waste of water either to prevent freezing of water lines or for any other purpose. Water will not be furnished to premises where there are leaky pipes or fixtures. When like conditions are found, the supply will be shut off until repairs have been made. Consumers shall keep their own service pipes in repair and protect same from freezing at their own expense, and must prevent all unnecessary waste or use of water.

(F) All service pipes shall be installed and maintained at the expense of the municipality from the main to the curb box. All service pipes from the main to the meter shall be inspected by the Town Services Director or his or her authorized employee before same have been covered over. The town will provide the curb box at its own expense, but it is expressly understood that the customer shall, at his or her own expense, extend the service line from the curb, make all connections necessary for the installation of the meter and set the meter for new construction.

(G) No person, without written authority from the Town Services Director, shall turn on the water to any service. This rule does not prevent plumbers from testing their work, but they must not in any case leave the water turned on without written authority from the Town Services Director.

(H) No person shall open any fire hydrant or remove or obstruct the stopcock of any hydrant, or place or deposit any dirt or other material in any stopcock boxes, or meter boxes or turn any public or private stopcock or commit any act tending to obstruct the use thereof.

(I) It shall be unlawful, except in time of fire, to draw or cause the water to be removed from any public or private hydrant, unless metered, or to open any valve on the hydrants, or fire protection openings except in case of fire. This is not intended to prevent any department from using fire hydrants to flush sewers.

(J) There shall be no cross-connections of water systems between private wells and the public water system.

(K) The digging and construction of water wells for private use, whether commercial or residential, shall be prohibited within the corporate boundaries of the Town of Ossian, Indiana, without approval of the Ossian Town Council. This shall not prohibit the use or repair of water wells that exist within the Town of Ossian at the time of the passage of this section.

(L) In the event that the Town Services Director or his or her authorized employee determines that the town's water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the Town Services Director shall declare a water conservation emergency and the Council shall prescribe rules for conservation of water until a time as the emergency is determined by the Director to have passed.

(M) For the purpose of billing and collecting the charges for water usage, water meters shall be read monthly and the customers shall be billed monthly; provided however, that Ossian utilities shall have the option of estimating a customer's monthly water usage in the event that for any reason a meter reading cannot be taken for a particular month. If a customer's monthly usage is estimated, his or her bill shall be adjusted accordingly based upon the next actual meter reading. In the event that a customer requests termination of his or her water service, his or her meter shall be read on the date of the termination of the service and billed accordingly, but not less than minimum charge as provided herein.

(N) All water bills shall be paid on or before the date indicated on the billing. Any payment not made on or before the due date shall be subject to a late fee assessed in accordance with ordinances or the policies adopted by the Ossian Municipal Water Department.

(O) The utility may disconnect service without request of the customer:

(1) For failure to repair any leak in the service pipe or appurtenances between the service connection and the meter, or in any private protection system or other unmetered facilities;

(2) For failure to timely pay any utility bill or other charges in connection with utility service;

(3) For failure to provide reasonable, unobstructed and nonhazardous access to the premises and meter, appliance and/or other utility-owned equipment so that representatives of the utility may take meter readings, make all necessary inspections, and maintain, replace or remove the meter, appliances and/or equipment of the utility;

(4) Upon discovery of improper installation of a new service pipe and appurtenances or alteration or removal of existing service pipe and appurtenances, including the meter, without written authority of the utility;

(5) If a customer issues or causes to be issued a check for services which is not honored because of insufficient funds or no account; and/or

(6) For failure to comply with the terms of an extension payment agreement.

(Ord. 02-3-1, passed 7-14-2003)