

ORDINANCE NO. 15-8-1

AN ORDINANCE AMENDING CHAPTERS 50, 51, 52, AND 53 OF THE TOWN OF OSSIAN CODE OF ORDINANCES

BE IT ORDAINED, by the Town Council of the Town of Ossian, Indiana, in meeting duly assembled and after consideration of information deemed by it to be sufficient, that Section 50.01 of the Town of Ossian Code of Ordinances be and is hereby amended by deleting subsections (A), (B) and (C) in their entirety and inserting the following:

“50.01 RATES AND CHARGES FOR WATER AND SEWER TAP FEES.

The following rate charges are hereby established:

Water Tap Connection and Fee		
Residential Water Tap Fee:		\$500
Non-Residential Water Tap Fee:		
	1 inch and less pipe	\$1,000
	Greater than 1 inch pipe	\$1,000
Residential Sewer Tap Fee:		\$500
Non-Residential Water Tap Fee:		\$1,000

”

BE IT ORDAINED, by the Town Council of the Town of Ossian, Indiana, in meeting duly assembled and after consideration of information deemed by it to be sufficient, that Section 50.02 of the Town of Ossian Code of Ordinances be and is hereby amended by deleting subsections (C) and (D) in their entirety and inserting the following:

“(C) If there are any questions concerning this policy or procedure, please contact the Clerk-Treasurer’s office.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 50 of the Town of Ossian Code of Ordinances be and is hereby amended by inserting the following:

“50.03 BEGINNING NEW SERVICE AT ESTABLISHED LOCATION.

Application for turn on of water utility services shall be made at the Clerk-Treasurer’s business office.

50.04 INSTALLATION AND MAINTENANCE.

All service pipes shall be installed and maintained at the expense of the municipality from the main to the curb stop or from the main to the meter pit. All service pipes from the main to the meter shall be inspected by the Town Manager 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 stop or from the meter pit, make all connections necessary for the installation of the meter and set the meter for new construction.

50.50 DAY TO DAY OPERATION.

(A) Customer is required to keep the surroundings around the meter clean, dry, and easily accessible to employees of the Ossian Utilities and to protect the same from freezing.

(B) No connection or alteration whatsoever 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 pipeline to which the meter is attached, to remove the meter a request shall be made to Ossian Utilities for the removal. Water utility service shall not be turned on again until after proper inspection is made by Ossian Utilities and the work is approved.

(C) It is expressly understood and agreed that the Ossian Utilities personnel shall have reasonable access to any meter.

50.51 BILLING PROCEDURES.

(A) Bills for water utility services, storm water, waste water, and the collection of domestic solid waste, shall be sent to each owner or occupant of a dwelling unit monthly by the office of the Clerk-Treasurer on the first day of the month.

(B) The owners of properties served, which are occupied by tenants, may 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 which the records are kept and during the hours that the office is open for business.

(C) For the purpose of billing and collecting charges for water usage, water meters shall be read monthly and the customer 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 a meter reading cannot be taken for a particular month. If a customer's water usage is estimated, the bill shall be adjusted accordingly based upon the next actual meter reading.

(D) In the event that a customer requests a termination of water utility service, the meter shall be read on the date of the termination of services and billed accordingly. The final bill shall not be less than any minimum charge established by ordinance or policy adopted by the Ossian Utilities.

(E) All bills shall be paid on or before the due date indicated on the billing. Any payment not received on or before the due date shall be subject to a late fee assessed in accordance with ordinances or policies adopted by the Ossian Utilities.

50.52 DEPOSIT FOR SERVICES.

(A) Except as provided in subsections (E) and (F) below, utility services may not be commenced or reinstated until the applicable meter deposit in (B) or (C) below, any then remaining delinquent bills, and any reconnection fee, have been paid in full.

(B) A \$75 meter deposit shall be paid against the account of a customer, who is an owner of record of the property located at the service address, as a part of each application for utility services submitted to the Town.

(C) A \$150 meter deposit shall be paid against the account of a customer who is not an owner of record of the property located at the service address, as a part of each application for utility services submitted to the Town.

(D) Deposits shall be held, without interest, and upon a termination of service to that applicant, applied against the connection's account obligations to Ossian Utilities, with any then remaining balance refunded to that customer, in accordance with the requirements of applicable authority.

(E) Deposit Waived. The deposit required under subsection (B) or (C) above shall be waived for a current Ossian Utilities customer who applies for utility services at a new service

address who, within the last 12 billing cycles, has: (i) no more than one delinquent payment charge assessed within the last 12 billing cycles, (ii) no returned check charges, and (iii) no discontinuance of service for nonpayment.

(F) Deposit Reduced. The deposit required under subsection (B) or (C) above shall be reduced to \$25.00 for a customer who applies for utility services that is not a current Ossian Utilities customer but has provided documentation to the Ossian Utilities from a like utility service provider that, within the last 12 billing cycles, he or she has: (i) no more than one delinquent payment charge assessed, (ii) no returned check charges, and (iii) no discontinuance of service for nonpayment.”

50.53 DELINQUENT PAYMENT CHARGES.

(A) Customer’s failure to pay the charges identified in Section 51.18 within 30 days from billing shall incur a 10% late charge on the delinquent solid waste charges.

(B) Customer’s failure to pay the charges identified in Section 52.01 within 20 days from billing shall incur a 10% late charge on the delinquent storm water charges.

(C) Customer’s failure to pay the charges identified in Section 52.50 within 20 days from billing shall incur a 10% late charge on the delinquent water charges.

(D) Customer’s failure to pay the charges identified in Section 53.01 within 20 days from billing shall incur a 10% late charge on the delinquent waste water charges.

50.54 COLLECTION OF DELINQUENT CHARGES.

(A) It shall be the duty of the Clerk-Treasurer, charged with the collection of rates or charges, to enforce payment thereof, together with the penalty herein provided.

(B) In the event that a lawsuit is filed to collect a delinquent utility bill, Town shall recover its costs of collection, including attorney’s fees and court costs.

50.55 INSUFFICIENT CHECK CHARGE.

There will be a charge of \$20 assessed to the consumer for each check which is returned to the Town for non-sufficient funds. Personal checks will not be accepted as payment on the account of a consumer which has had one or more such bad checks in the most recent 12 monthly billing periods.

50.56 DISCONTINUANCE OF SERVICE FOR NONPAYMENT.

If the utility bill is not paid within 10 days from the date due thereof, as stated on the bill, the past due amount will be indicated on the following bill. If the past due amount still remains unpaid as of the next following billing date, a disconnect notice shall be mailed to the user. If the utility bill is not paid within seven (7) from the date the disconnect notice is mailed, the water service shall be turned off at the curb shut-off valve.

50.57 RECONNECTION CHARGE.

When utility service is discontinued for nonpayment, a charge of \$50 shall be made for disconnecting the water service. This charge must be paid and customer must replenish the deposit required by Section 50.52 before the water will be reconnected.

50.58 TEMPORARY DISCONNECT CHARGE.

(A) A user shall pay a charge of \$25 for each request that water and waste water services be discontinued for a period of time.

(B) This charge shall be assessed and payable upon customer submitting the turn off request.

50.59 SERVICE CALLS AND FEES.

(A) Work Hours for Ossian Utilities are Monday-Friday 7:00 am - 3:30 pm. Any service call outside of these hours will be considered an after-hours service call.

(B) Ossian Utilities is responsible for and will maintain and repair the pipes connecting the water main to the customer's property, from the main up to and including the curb stop or meter pit, and the water meter. Customer is responsible for the maintenance and repair of the pipe from the curb stop or meter pit, excluding any inside meter, up to and within any structures served by the Ossian Utilities.

(C) An after-hours service fee of \$125 will be charged for each service call for a situation on the customer's side of Town's curb stop or meter pit.

(D) It is the customer's responsibility to supply sufficient heat to prevent freezing of the water meter. If the meter is discovered to be frozen due to insufficient heat the customer shall pay Town \$25.00 for repair of freeze plate, or cost of meter materials together with all applicable service calls and fees.

50.70 PROHIBITIONS.

(A) No person, without written authority from the Town, 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 Manager.

(B) No person without written authority from the Town Manager, 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.

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

(D) The use of any jumper line or other connector to obtain water service without the Town's connection or approval is prohibited.

(E) The digging and construction of water wells for private use, whether commercial or residential, shall be prohibited within the corporate boundaries of the Town. This shall not prohibit the use or repair of water wells that exist within the Town at the time of the passage of this section.

(F) 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.

(G) 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.

(H) 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

50.80 INVOLUNTARY DISCONNECTION.

(A) Upon written notice provided to the customer at least 7 days before termination of service, advising the customer of date of proposed disconnect, specific basis for disconnection,

the telephone number for the utilities office, a reference to where the customer can find information concerning their rights, the Town may disconnect utility 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, in any private protection system, or other unmetered facilities;

(2) For failure to timely pay the bill or other charges in connection with Ossian Utilities services;

(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 found; or

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

(B) Town may disconnect utility service without request of the customer and without advance notice to the customer only if:

(1) A condition dangerous or hazardous to life, physical safety, or property exists;

(2) Under order of any court, the IURC, or other duly authorized public authority;

(3) Fraudulent or unauthorized use of water is detected and the utility has reasonable grounds to believe the affected customer is responsible for the use; or

(4) The utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for the tampering.

(C) Reconnection after remedying the condition triggering termination of service, paying all delinquent charges to the utility, and paying any applicable deposit or reconnection fees, shall be completed within one business day.

50.81 VOLUNTARY DISCONNECTION.

(A) Whenever a request is made to and complied with by the Town that a customer's water service be shut off at the Town's water valve for routine or emergency repairs to the inside plumbing; the property owner shall install a shut off valve immediately before the meter when the meter setting is inside the building structure; or immediately after the point where the service pipe enters the building structure if the meter setting is outside the building as a precondition to water service being restored.

50.90 EMERGENCY MEASURES.

In the event that the Town Manager 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 Manager shall declare a water emergency and the Council shall prescribe rules for conservation of water until a time as the emergency is determined by the Town Manager to have passed."

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 51 of the Town of Ossian Code of Ordinances be and is hereby amended by inserting the following definition between the existing definitions of "CONTRACTOR" and "DEAD ANIMALS" within Section 51.15:

"CURBSIDE. That portion of right-of-way adjacent to paved or traveled Town roadways."

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 51 of the Town of Ossian Code of Ordinances be and is hereby amended by inserting the following:

"51.02 SOLID WASTE REVENUE FUND.

(A) There is hereby established a Solid Waste Revenue Fund on the books and accounts of the Town.

(B) The Solid Waste Revenue Fund shall be subject to all of the provisions of Indiana law with respect to the deposit of funds, the filing of claims for payments therefrom, and funds therefrom shall be paid by the Clerk-Treasurer only on the appropriation and approval for payment as provided by law.

(C) All user charges imposed and collected by the Town for the collection, receipt, acceptance and disposal of domestic solid waste under the provisions of this chapter shall be deposited in the Solid Waste Revenue Fund."

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Section 51.17 of the Town of Ossian Code of Ordinances be and is hereby amended by deleting subsection (D) in its entirety and inserting the following:

"(D) The owner or occupant of a unit shall dispose of domestic solid waste in the container provided by the contractor and shall maintain in good order that container. Refuse bags for pickup must be plastic bags provided by the contractor for a cost.

(E) Each container, bag and bundle shall be placed at curbside for collection. Containers, bags and bundles shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, containers, bags and bundles shall be placed as close as practicable to an access point for the collection vehicle. Contractor may decline to collect any container, bag and bundle not so placed or any residential refuse not in a bag.

(F) Solid waste disposal containers intended for collection shall be placed by the owner or occupant of the unit at the collection point no earlier than 7:00 p.m. of the day proceeding the collection and no later than 6:00 a.m. on the day of collection. Containers shall be removed from the collection point after collection by 7:00 p.m. on the day of collection.

(G) The schedule of routes and days for the weekly domestic solid waste collection created by this chapter shall be determined by the Town Council and the contractor.

(H) The contractor will be required to provide town clean-up 1 day, per year, of all household trash and rubbish placed at the curb, at a time to be agreed upon by the Town Council and the contractor. This service will be provided at no additional cost.

(I) Bulk items acceptable for limited collection under the provisions of this chapter shall include, but not be limited to debris, empty cartons, crates, boxes, wrapping materials, discarded furniture, appliances, large crates, toys, bicycles, plumbing fixtures and barrels. Acceptable bulk items shall not be collected during regular weekly collection of domestic solid

waste, but rather may be collected at a time and a price negotiated between the owner/occupant and the contractor at the regular collection point.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 51 of the Town of Ossian Code of Ordinances be and is hereby amended by deleting Section 51.18 in its entirety and inserting the following:

“51.18 CHARGES FOR SOLID WASTE.

(A) The user fee to be paid by unit for services rendered under this chapter shall be established from time to time by ordinance of the Town Council and shall be sufficient to cover the cost and expense of administration of this domestic solid waste collection service including, but not limited, to the funding of the cost of any agreement between the Town and any person for the collection, receipt, acceptance and disposal of domestic solid waste produced within the corporate limits of the Town.

(B) Each unit shall be assessed and pay to the Town a user fee for domestic solid waste collection and disposal at the following phases:

(1) Phase 1: A monthly charge of \$12.95 plus an administration fee of \$1 for a total of \$13.95 shall be effective for the first full monthly billing period of the solid waste utility following the adoption and effectiveness of this amendment.

(2) Phase II: A monthly charge of \$13.34 plus an administration fee of \$1 for a total of \$14.34 shall supersede and replace the Phase I rates effective as of and for and after the first full monthly billing period of the solid waste utility following September 30, 2010.

(3) Phase III: A monthly charge of \$13.74 plus an administration fee of \$1 for a total of \$14.74 shall supersede and replace the Phase II rates effective as of and for and after the first full monthly billing period of the solid waste utility following September 30, 2011.

(4) Phase IV: A monthly charge of \$14.01 plus an administration fee of \$1 for a total of \$15.01 shall supersede and replace the Phase III rates effective as of and for and after the first full monthly billing period of the solid waste utility following September 30, 2012.

(5) Phase V: A monthly charge of \$14.30 plus an administration fee of \$1 for a total of \$15.30 shall supersede and replace the Phase IV rates effective as of and for and after the first full monthly billing period of the solid waste utility following September 30, 2013.

(6) Phase VI: A monthly charge of \$14.58 plus an administration fee of \$1 for a total of \$15.58 shall supersede and replace the Phase V rates effective as of and for and after the first full monthly billing period of the solid waste utility following September 30, 2014.

(7) Phase VII: A monthly charge of \$14.87 plus an administration fee of \$1 for a total of \$15.87 shall supersede and replace the Phase VI rates effective as of and for and after the first full monthly billing period of the solid waste utility following September 30, 2015.

(C) All units within the Town shall be subject to the user charge set forth herein.

(D) The owner or occupant of a dwelling unit on the first day of the month will be responsible for the solid waste charges for that month.

(E) In the event that the user fee to be paid by unit for services rendered under this Chapter is not paid by the occupant, the owner of the unit shall be responsible for the fee and any delinquent payment charges assessed by the Town.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 51 of the Town of Ossian Code of Ordinances be and is hereby amended by inserting the following:

“51.19 MISCELLANEOUS.

(A) The Town Clerk-Treasurer from time to time shall prepare cost studies showing the cost of providing regular and any experimental service in the manner provided in this chapter, including all costs of collecting materials, all moneys saved by not having to pay fees for landfill disposal of materials, and all moneys received from the sale of recyclable materials either by the Town or its contractor.

(B) No person shall, without prior written authorization from the Town, collect any newspapers, glass or aluminum or metal cans/containers or any other domestic solid waste containers that are placed at the curb for collection under the terms of this chapter, provided, however, that the Town may from time to time permit collection to be made by civic organizations that make application therefore if the collection does not violate the terms of any contract for collection. In that case, the organization may keep the money received.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 52 of the Town of Ossian Code of Ordinances be and is hereby amended by deleting Sections 52.01(B) in its entirety and inserting the following:

“(B) There is hereby established a Storm Water Revenue Fund on the books and accounts of the Town, and all user charges imposed and collected by the Town for the collection, receipt, acceptance and treatment of storm water under the provisions of this chapter shall be deposited in said fund.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 52 of the Town of Ossian Code of Ordinances be and is hereby amended by deleting Sections 52.02, 52.03, and 52.04 in their entirety and inserting the following:

“52.02 ASSESSMENT LIEN

(A) Delinquent fees and charges shall be assessed against real property constitute a lien against the property assessed. The lien is superior to all other liens except tax liens. Except as provided in subsections (b) and (c), the lien attaches when notice of the lien is filed in the county recorder’s office under I.C. 8-1.5-5-30.

(B) In the event a service address is occupied by someone other than the owner, the delinquent fees and charges shall be assessed against real property and constitute a lien against the property only if the utility notifies the owner not later than twenty (20) days after the time the fees become sixty (60) days delinquent. A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under I.C. 1-1-7-1) to: (i) the owner of record of real property with a single owner; or (ii) at least one (1) of the owners of real property with multiple owners; at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection. The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

(C) Delinquent fees and charges are not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 52 of the Town of Ossian Code of Ordinances be and is hereby amended by inserting the following:

“52.50 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, 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
 <i>(B) Fire Protection Charges: For stand-by ready-to-serve, fire demand, the following charges shall apply:</i>			
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.

*** 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.

52.51 TEMPORARY USERS.

Water furnished to temporary users, such as contractors, shall be charged on the basis of the metered rates set forth herein.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 52 of the Town of Ossian Code of Ordinances be and is hereby amended by inserting the following:

“52.80 WATER QUALITY MANAGEMENT PLANNING RESPONSIBILITIES.

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

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 53 of the Town of Ossian Code of Ordinances be and is hereby amended by deleting subsections (B)(11), (E) and (F) of 53.01 in their entirety and inserting the following:

“(E) The Town shall make and enforce bylaws and regulation as it deems necessary for: (i) the safe, economic and efficient management of the Town sewer system, (ii) the construction and use of house sewers and connections to the sewer system, and (iii) the regulation, collection, rebating, and refunding of rates and charges.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 53 of the Town of Ossian Code of Ordinances be and is hereby amended by inserting the following:

“53.02 ASSESSMENT LIEN

(A) Delinquent fees and charges shall be assessed against real property and constitute a lien against the property. The lien is superior to all other liens except tax liens. Except as provided in subsections (b) and (c), the lien attaches when notice of the lien is filed in the county recorder’s office under I.C. 36-9-23-33.

(B) In the event a service address is occupied by someone other than the owner, the delinquent fees and charges shall be assessed against real property and constitute a lien against the property only if the utility notifies the owner not later than twenty (20) days after the time the utility fees become sixty (60) days delinquent. A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under I.C. 1-1-7-1) to: (i) the owner of record of real property with a single owner; or (ii) at least one (1) of the owners of real property with multiple owners; at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection. The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

(C) Delinquent fees and charges are not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner.”

BE IT FURTHER ORDAINED, by the Town Council of the Town of Ossian, Indiana, that Chapter 53 of the Town of Ossian Code of Ordinances be and is hereby amended by inserting the following:

“53.03 DETERMINATION OF CHARGES.

(A) In order that the domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months of June, July, August and September, the billing for sewage service for residences or domestic users for those months shall be based upon the water usage for the previous months of January, February and March.

(B) In the event the water usage for the previous month of January, February and March is greater than the water usage for the months of June, July, August and September, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence by the filing credit applicant during the winter months of January, February and March, and the occupants shall have filed for the sprinkling credit with the Clerk-Treasurer’s office during the prescribed time period.

(C) The sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of the premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water served through a separate meter and in that case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.”

BE IT FURTHER ORDAINED, that the Town of Ossian Code of Ordinances shall be amended in accordance herewith and that two (2) copies of the Code so amended are kept on file in the Office of the Clerk-Treasurer for public inspection.

BE IT FINALLY ORDAINED that this ordinance shall be in full force and effect following its adoption and publication in accordance with applicable law.

ORDINANCE NO. 15-8-1

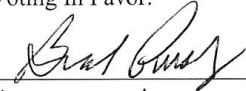
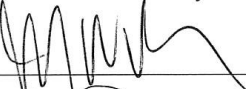

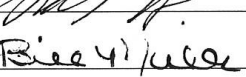

ORDINANCE NO. 15-8-1

Adopted this 24 day of August, 2015, by a vote of 5 in favor and 0 opposed.

TOWN OF OSSIAN, INDIANA by its TOWN COUNCIL

Voting In Favor:

Voting Opposed:

	Brad Pursley (President)	_____
	Joshua Barkley	_____
	Bill Dowty	_____
	Tom Neuenschwander	_____
	Bill Miller	_____

Attest:


Jeannette Dickey, Clerk-Treasurer