

ORDINANCE 2007-07-23

**WATER UTILITY RULES AND REGULATIONS
FOR THE CITY OF GREENSBURG**

WHEREAS the City of Greensburg desires to make rules and regulations for the Water Utility within the City of Greensburg; and

WHEREAS it is in the best interest of the citizens and of the City of Greensburg to provide rules and regulations of the water utility to promote uniform and progressive growth for the City of Greensburg;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Greensburg as follows:

SECTION 1. RULES A PART OF CONTRACT

The following rules and regulations shall be a part of the contract with every consumer who uses water supplied by this Water Utility, and every such consumer shall be considered as having expressed his consent to be bound thereby.

SECTION 2. DEFINITIONS

The word Utility wherever the same appears herein, means the Greensburg Water Utility. The word Consumer where the same appears herein, mean the person, firm, corporation or association having an interest, either as owner or tenant of any premises, which is supplied with water by the Utility.

SECTION 3. APPLICATION AND CONTRACT

- (A) All applications for water service must be made at the office of the Utility located at 314 W. Washington Street, Greensburg, Indiana. The consumer proposed to be connected for service must complete and sign an application form prior to service being given.
- (B) When application for water service is made, the service, together with the charges and rates therefore, shall begin on the date of the completion of the service connection by the Utility.

SECTION 4. PAYMENT OF RATES

- (A) Meters will be read monthly, when possible. All bills are due payable by the 17th day of the month following that in which service was rendered. If the bill is paid after the 17th a penalty will be imposed. (See current Rate Ordinances.)
- (B) If a bill is not paid by the 17th day of the second month following that in which service was rendered the service will be shut off. The water will not be turned on until all back charges and a "Turn On" fee of approved amount has been paid. Turn on's shall be made during

business hours. No Turn On's shall be made after business hours without permission from proper authority of the Utility.

SECTION 5. SERVICE CONNECTIONS

- (A) Service connections to the city mains $\frac{3}{4}$ " or 1" (minimum $\frac{3}{4}$ ") shall be made by the Utility. This connection will extend to a meter pit location determined by the Utility to the consumers' property line or easement right of way. Whenever possible, meters must be placed on adjoining property lines so that one tap can feed two meters in the same tile. When this method is used, a one-inch water tap will be made; therefore, each resident shall pay a tap on fee.
- (B) Service connections larger than 1" for Commercial, Industrial or Multiple Residential structures shall be made by the contractor with the approval and inspection of the Utility. The Contractor/Engineer shall determine the size of all connections and the size of the meter. The Utility will supply $\frac{5}{8}$ " and 1" meters. Anything larger than 1" is to be purchased and installed by the property owner. The installation shall be inspected by a Utility employee. All connections made to the Utility system, regardless of who makes them will have a tap fee/inspection fee and an availability fee charge of an approved amount per connection. This charge shall be paid in full before service will be furnished.
- (C) All new service installations shall be made with type K copper ($\frac{3}{4}$ " is tap fee anything larger is time, material, and tap fee.) A 2" service may be type K copper or polyvinyl chloride (PVC) SDR-21 200 PSI, larger services shall be made of PVC-900 150 PSI. All buried copper services must be joined with compression fittings prior to the meter or stop and waste valve. Locator wire #10 solid THHN (THWN) is to be installed with all PVC pipe.
- (D) Whenever it becomes necessary to extend a main water line into a subdivision, plot of ground, or group of lots owned or purchased by a builder or contractor, the extension will be made at no expense to the water department. A minimum of 8" for residential and 12" for industrial and commercial is to be ran unless approved by the water superintendent. The developer shall loop their mains in a manner approved by the Utility. Only C-900 PVC of required size will be used in a new main construction. The owner/developer or contractor will also pay the water department a tap fee and an availability fee in the amount of the current rates and charges. The water mains must be tested by the owner/developer and a copy of the results must be submitted to a Water Utility Representative for approval. After the approval of the lines and after the Board of Works accepts the water lines by a Deed of Dedication, the owner will guarantee the water lines for one year from the date of dedication. The City may assume responsibility for the water lines following the one year guarantee provided there have been no problems incurred within that year. If so, the responsibility will be revisited on a month to month basis.
- 1) Fire hydrants located in subdivisions will be charged for Private Fire Protection from the time of approval of the lines until the end of the one year warranty period, regardless of when the deed of dedication was presented to the City.
- (E) All persons taking water shall have their plumbing fitted with shut off valves at some convenient place where the property owner's line enters the residence or building. This allows the consumer to shut off the water source when needed repairs are required. At no time is the consumer or property owner allowed to shut off the water in the meter pit. It is especially stipulated and agreed that no claim shall be made against the Utility by reason of

the breaking of any service pipe. If leaks are reported after due notice to the consumer or property owner, and the same is not repaired, service may be discontinued 72 hours after notification from city personnel as designated by the Water Superintendent. The Water Superintendent can terminate or initiate repair for any leak that he deems as an emergency in which endangers the personal property, public health, or the environment.

- (F) The Utility in every instance reserves the right, at its option, to designate and prescribe the size and kind of service connections. This pertains to either new or replacement of old connections. The Utility is responsible for the line from the main to the meter pit and/or shut off valve. The consumer is responsible from the meter or shut off valve to the residence or building. Any excavating is subject to the Indiana Underground Plant Protection Service laws.
- (G) Consumers having boilers and/or pressure vessels receiving a supply of water from the Utility must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply is discontinued or interrupted for any reason, with or without notice.
- (H) Should a Consumer at any time question the accuracy of their $\frac{3}{4}$ or 1 inch meter, the Utility will, upon written application, remove and test the meter. Fees for this service are listed in the current rates and charges Ordinance. If the test shows that the meter has been over-registering more than two (2) per cent, the above fee for each meter shall be returned to the consumer and the bill rendered, based on the last reading of such meters, shall be corrected accordingly. If the test shows that the meter is not over-registering more than two (2) per cent, the bill rendered, based on the last reading of such meter or meters shall be found correct. The Utility reserves the right to remove and test any $\frac{3}{4}$ or 1 inch meter, at any time, and if such meter is found to be inaccurate, to substitute another meter of the same size in its place, either permanently or temporarily. Should any consumer, at any time, request a two (2) hour meter test to check for leaks within the premise, the Utility will do so for a fee listed in our current rates and charges Ordinance.
- (I) All water passing through a meter will be charged for, whether used or wasted. The quantity of water recorded by the meter shall be conclusive on both the Utility and the consumer, except when the meter has been found defective or ceases to register. No allowance will, under any circumstances, be made for water used, lost or wasted through leaks, carelessness, neglect, or otherwise, after the same has passed through the meter.

SECTION 6. CROSS CONNECTIONS

- (A) Definition of a cross connection is any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the utilities water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system, to the other, the direction of flow depending on the pressure differential between the two systems.
- (B) No installation of potable water supply piping shall be made in such a manner that it will be possible for used, unclean, polluted, or contaminated water, mixtures, or substances or enter any portion of such piping from any tank, receptacle, equipment, or plumbing when any such tank, receptacle, equipment, or plumbing fixture is flooded, or subject to pressure in excess of the pressure in the hot or cold water piping.
- (C) No person shall make a connection or allow one to exist between pipes or conduits carrying domestic water supplied by any public or private water service system, and any pipes,

conduits or fixtures containing or carrying water from any other source or containing or carrying water which has been used for any purpose what so ever, unless a backflow preventer is provided. The approval of the Indiana Department of Environmental Management must be obtained before any connection is made between the domestic supply and any contaminated, polluted, or auxiliary water system.

- (D) To ensure that the proper precautions are taken, the Utility shall determine the degree of hazard to the public water system, following guidelines developed by the Indiana Department of Environmental Management, must be obtained before any connection is made between the domestic supply and any contaminated, polluted, or auxiliary water system.
- (E) The consumer shall have the responsibility of preventing any pollutants and/or contaminants from entering his potable water system, or the public potable water system. The Consumer shall be liable for all damage caused to Meters, Service Lines, Mains or any other portion of the water distribution system by back pressure. The Consumer's responsibility starts at the point of delivery from the public water supply and includes all water conditioning equipment and piping. The Consumer shall be required to maintain each backflow preventer in good working condition and shall provide the necessary inspection to assure that the device is operating properly.
- (F) The Utility shall terminate water service to any property where any connection in violation of this section exists and to take such other precautionary measures deemed to eliminate any danger of contamination of the public water system. Water service shall be terminated only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with provisions of this section.
- (G) That all consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow preventer and they must be installed in an easily accessible location not subject to flooding or freezing.

SECTION 7. TURN-ON AND SHUT-OFF

- (A) The stop valve on any and all connections shall not in any way be used by the consumer for turning-on and shutting-off the water supply. All such turning-on and shutting-off of the water supply by the consumer shall be with a separate stopcock located on or in the house to be serviced. All turning-on and shutting-off of the water supply at the meter and with the meter wrench shall be done exclusively by the Utility.
- (B) There shall be no separate charge made for shutting-off the water supply to any premises unless it is after regular business hours. But in every instance, whether such shut-off was originally made for non-payment of bills or other violations of the rules of the Utility, the charge for turning-on the water supply is listed in the current rates and charges Ordinance, payable in advance. No turn-on shall be made after business hours without permission from proper authority of the Utility.
- (C) In case of accidents, break-downs, shortage of water supply or any causes beyond the Utilities control, or because of any act or omission on the part of Public Authorities, or their agents, or in case of the making of repairs, renewals or replacements, the Utility reserves the right to shut-off the water supply from anyone or any number of premises, without

notice and shall in no manner be held responsible for any consequences of such shut-off. When shut-off of the water supply is made in accordance with this paragraph, such shutting-off of the water shall not entitle the consumer to any abatement or deduction in or from the water service charges, nor to any refund on any such charges paid in advance during or for the time of such shut-off. The Utility will give notice, in the manner deemed in its discretion to be most effective of any shut-off of the water supply when ever and wherever the giving of such notice is practicable, but nothing in these rules shall be construed to require the giving of such notice under any circumstances. Every effort to give continuous and uninterrupted service is made by the Utility, but nothing in these rules contained shall be construed as a guarantee or covenant or agreement of the Utility to give such continuous and uninterrupted service.

SECTION 8. SPRINKLING METERS SERVICE

- (A) Sprinkling meter service shall cover the right to use water through a fixed irrigation system equipped with regulating nozzles for the sprinkling of lawns and gardens. No connection will be allowed with any other source of water or chemical addition device whereby the Utility supply may be contaminated. A double check valve must be installed on all irrigation systems.
- (B) Sprinkling use may at any time be restricted or entirely prohibited, for any cause deemed sufficient therefore in the discretion of the Utility, upon Notice to the consumer of such restriction or prohibition.
- (C) Sprinkling meters will be furnished to the Consumer by the Utility, subject to charges set for new connections in the current rates and charges Ordinance. Availability Fees are not charged for sprinkling services.

SECTION 9. SWIMMING POOLS

- (A) Consumers requesting an adjustment on the sewer portion of their bill due to the filling of a pool may be granted so with proper notification and approval from the Water & Wastewater Utility Billing Office. Consumers are to notify the Billing Office at the time they start and finish filling their pools.
- (B) Fire hydrants may be used if one is accessible and on an eight inch (8") or larger main. The Utilities Hydrant Meter must be used to register the quantity of water used. Billing will be based on charges for a three (3) inch meter plus rental fees of the hydrant meter and hoses needed to transport the water. This has to be scheduled with the Water Plant. All fees are according to the current approved rates.
- (C) Water can be purchased from the Water Utility or from any other potable water supply and hauled to the location by a private supplier.

SECTION 10. FIRE HYDRANTS

- (A) Standard "Mueller" 5 1/4" three-way hydrants are to have a six (6) inch or larger connection to mains with a minimum of six (6) inch valve openings. Fire hydrants shall be provided at each street intersection and at intermediate points between intersections and at the ends of cul-de-sacs. Generally, hydrants shall be placed at least every 400 feet. Hydrant placement must be approved by the Water Utility and the Fire Department.

- (B) All public fire hydrants are to be used for fire protection or proper operation of the distribution system exclusively. Permits for use of water from hydrants for any purpose other than for fire protection will NOT be granted by the Utility except in cases where such use is deemed by the Utility to be urgent and other means of obtaining water are not available. However, these permits can be revoked at the pleasure of the Utility in every instance and at any time.
- (C) No person or persons other than members of the Fire Department, or authorized employees of the City for the uses and purposes of the City departments, and those authorized by the Utility shall open any hydrant to draw water from the same, or in any manner interface with any such hydrants. The penalty for noncompliance of this section is listed herein.

SECTION 11. PRIVATE FIRE PROTECTION

- (A) Fees for private fire protection will be billed according to the current approved rates. These lines are to be used only for fire protection and shall be with the proper check valve(s). Any use other than fire protection will be billed according to the current approved rates and may lead to disconnection of this service plus penalty charge. Any outstanding past due charges for private fire protection may be transferred to another service.
- (B) The fire protection line shall be privately owned and maintained by the consumer from the point of the tap on the Utility water main. In rare cases and with the permission of the Utility, a domestic service will be the responsibility of the consumer approved by the Utility.
- (C) The above paragraphs are not to be construed as prohibiting a reasonable use of water for drainage of a system to prevent freezing, pump tests or fire drills, with the consent of the Utility in every instance, prior to the execution of such activity. The consumer must notify the Utility naming the day and hour when the same is intended to be made. If desired, the Utility may have an inspector present during the activity.

SECTION 12. DISINFECTION

- (A) Because of the rules of the 1986 Safe Drinking Water Act, administered by the Indiana Department of Environmental Management, strict water safety standards must be adhered to. These rules apply to and are the responsibility of both the Utility and the Consumer.
- (B) All mains, valves, hydrants, etc. shall be thoroughly flushed and disinfected using a chlorine gas mixture or a hypochlorite (HTH) and water mixture applied in amounts to produce a dosage of 50mg/l. All portions of the mains will have a residual of not less than 25mg/l free chlorine after a twenty-four (24) hour contact time. Following disinfection, the treated water will be flushed from the pipes at its extremities, and two (2) samples, twenty-four (24) hours apart, will be taken. This shall be done at the contractor's expense. The disinfection process will be repeated, if necessary, until bacteriological quality of water is in accordance with Indiana Department of Environmental Management regulations. A copy of the bacteriological test results must be given to the Utility.
- (C) Whenever service is shut off due to main breaks, service line repairs or whatever reason, the lines have to be fully flushed and tested for chlorine residual before returning to service. There should be well-defined chlorine residual in the pipe and acceptable to the standards of the Utility subject to their inspection. The Utility has the right to request a bacteriological test made on such projects.

SECTION 13. AMENDMENTS TO RATES AND RULES

- (A) Each and every addition or modification, alteration or amendment to any of the rates or rules of the Utility, shall become binding upon, and shall form a part of the contract with each and every consumer, upon expiration of thirty (30) days' notice thereof by publishing same at least twice in a weekly newspaper, unless and except any such addition or modification, alteration or amendment is by these rules provided to be and become otherwise effective and binding on every such consumer, or any one or more thereof.

SECTION 14. WATER WORKS DOES NOT GUARANTEE SERVICE

- (A) Nothing in these rules, nor any contract, nor representation, verbal, or written, of the Utility or any of its employees, shall be taken or construed in any manner to be or constitute a guarantee to furnish a proper quantity of water through any service connection, whether for domestic, commercial, industrial or manufacturing uses, or for private or public fire protection purposes, nor shall any such be construed in any way an undertaking on the part of the Utility to guarantee anything relative to any services furnished or provided by the Utility. The Utility will, at all times, and in every instance, make every effort to maintain the efficiency of its service under all conditions, but it will, under no circumstances or conditions, be responsible in any manner for failure in its supply during a fire or at any other time.

SECTION 15. PENALTY

- (A) Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than \$1,000. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(B) (1) Any person violating any provision of Section 5 through 14 may be subject to a fine in any sum not exceeding \$2,500. A separate offense shall be deemed committed on each day that a violation occurs or continues. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this chapter or in other city ordinances. The assessment of the fines under this section shall be assessed by the Water Superintendent and enforced, if necessary, by a civil action initiated by the city, which shall require the violator to pay all court costs and legal expenses, including attorney fees incurred by the city in collecting said fines and assessments.

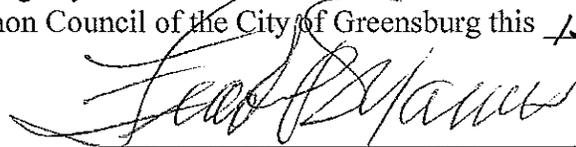
(2) The city shall also recover costs incurred by the city in enforcing the terms of §§ Section 5 through 13 and to also bring a civil action for the mandatory and injunctive relief for the enforcement of, and to secure compliance with, any provisions of these sections, or to bring an action to recover any penalties and costs incurred by the city in enforcing the terms of these sections. In addition to the recovery of the actual costs and expenses incurred by the city, the city shall also be entitled to recover all costs, fines and expenses incurred in enforcing §§ Section 5 through 13 or bringing any action in the courts, including, but not limited to, all attorney fees and costs incurred by the city.

(C) The city, acting through the Water Superintendent, may, in the name of the city, bring certain actions in the circuit or superior court of the county for the recovery of all costs incurred by the city in enforcing the terms of Section 5 through 13, and to also bring action for the mandatory and injunctive relief for the enforcement of, and to secure compliance with, any

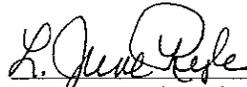
provisions of this section, or bring an action to recover any penalties and costs incurred by the city in enforcing the terms of Section 5 through 14.

(D) In addition to the recovery of the actual costs and expenses incurred by the city, the city shall also be entitled to recover all costs, fines and expenses incurred in enforcing this section or bringing any action in the courts, including, but not limited to, all attorney fees and costs incurred by the city in bringing said action.

This ordinance shall take effect upon its passage by the Common Council. This ordinance is hereby Adopted and Approved by the Common Council of the City of Greensburg this 15th day of November, 2007


Frank P. Manus Mayor

Presented by me to the Mayor this 15th day of November, 2007.


L. June Ryle, Clerk-Treasurer

Approved and signed by me this 15th day of November, 2007.


Frank P. Manus Mayor