

LAGRANGE COUNTY REGIONAL UTILITY DISTRICT

ORDINANCE NO. 2010-05-12A

**AN ORDINANCE REGULATING THE USE OF WATER SYSTEMS IN
SERVICE AREAS OF THE DISTRICT**

SECTION 1 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- 1.1 "Administrative Manager" shall mean the person holding the position of Administrative Manager of the District or his or her designee.
- 1.2 "Billing period" shall mean the time between any two consecutive regularly scheduled readings of the meters on the premises by the District's representatives. Such readings are scheduled at approximately 30-day intervals.
- 1.3 "Board" shall mean the Board of Trustees of the District or any duly authorized agent or employee of the District acting in behalf of the District.
- 1.4 "Curb stop," "service stop," or "buffalo box" shall mean a valve installed in the service pipe near the curb or main for turning on and shutting off water at the premises supplied or to be supplied.
- 1.5 "Customer" shall mean a person who is the owner in fee simple of real property that is or is to be supplied with water service, either temporarily or permanently.
- 1.6 "Distribution main" shall mean the pipe owned by the District and located in the street, easement, road, right-of-way, or alley and which delivers water to fire hydrants, fire lines, and service pipes.
- 1.7 "District" shall mean the LaGrange County Regional Utility District.
- 1.8 "May" is permissive.
- 1.9 "Meter" shall mean a device owned by the District and used to measure and record the quantity of water supplied to the customer.
- 1.10 "Operations Manager" shall mean that person holding the position of Operations Manager of the District or his or her designee.

- 1.11 "Rates and charges" shall mean those rates, charges, and fees charged by the District for services rendered or water furnished as set forth in the District's water rate ordinance.
- 1.12 "Service" shall mean the supply or delivery of potable water to a property.
- 1.13 "Service pipe" shall mean a supply pipe leading from the tap in the distributing main to or into the premises supplied or to be supplied.
- 1.14 "Shall" is mandatory.
- 1.15 "Tap or corporation cock" shall mean a fitting inserted in the distribution main to which the service pipe is attached.

SECTION 2 REGULATIONS ON FILE WITH DISTRICT

A copy of all rates, rules, and regulations under which water service will be rendered is filed for the convenience of the public in the administrative office of the District.

SECTION 3 ORDINANCE PART OF EACH SERVICE CONTRACT

The following rules and regulations of this Ordinance shall be a part of the contract with every customer who uses water service supplied by the District, and every such customer shall be considered as having expressed his or her consent to be bound thereby.

SECTION 4 CONTRACT

- 4.1 A written application for the service or a contract properly executed shall be required from a prospective customer, including contractors and builders, before the District may supply service. However, the District shall have the right to reject an application for any valid reason. Where unusual construction or equipment expenses will be involved in furnishing the service, the District may require the contract to be for an appropriate period of time specified by the District when the contract is executed.
- 4.2 No promise, agreement, or representation by any agent or employee of the District shall be binding upon the District unless it has been incorporated in a written contract, signed and approved by an agent or employee of the District authorized to sign such contract on behalf of the utility.

- 4.3 The benefits and obligations under any contract for the supply of water by the District shall begin when the District commences to supply water service under such contract and shall inure and be binding upon the successors, assigns, survivors, executors, or administrators of the customer. No assignment thereof shall be made by the customer or by any successor, assign, survivor, executor, or administrator unless the utility's written consent to any such assignment is first obtained.

SECTION 5 SERVICE DEPOSIT

- 5.1 Service deposits shall be in the amount of \$50.00.
- 5.2 The District may, but shall not be required to, apply the customer's deposit to payment of water bills or any other charge.

SECTION 6 COMMENCEMENT OF SERVICE

- 6.1 Until a contract for water service has been executed and a meter has been installed, water shall not be turned on at any premises by anyone but a District agent or employee. No person, except an authorized agent or employee of the District, a fire department, or any other authorized person, shall open, operate, or remove the cap from any fire hydrant to which water is supplied by the District. It is a violation of these rules and regulations and of this Ordinance for anyone except a District employee to make such a turn-on.
- 6.2 In addition to the penalties provided in Section 19, such violation shall subject the offender to payment for the estimated quantity of water consumed during the period the water was turned on without authority from the utility.

SECTION 7 CROSS CONNECTIONS

- 7.1 In no case shall there be cross connections between the District's public water distribution system and a private water supply. In any case where there might be the possibility of back siphoning into the water system, provisions must be made by the customer to prevent such siphoning. Any installation in the water system, including check valves or other back siphon control devices, must be approved by the Operations Manager.
- 7.2 Any cross connections with other sources of water supply shall be made in conformity with the rules and regulations of all local, state, or federal agencies.

7.3 All plumbing shall conform to local and state codes, which do not permit physical connections between the public water supply and other water supplies, waste lines, process solution lines, tanks, and the like, unless property is protected by approved safety devices.

7.4 A District employee shall make periodic inspections of customer's piping to establish violations and will report any violations, as set out in paragraphs 7.2 and 7.3 of this section, to both the customer and to the respective regulatory authority. The District shall not assume responsibility for damage, sickness, or death arising from the existence of an improper cross connection or the use or failure of a cross connection. The discovery of a noncomplying installation shall lead to a discontinuation of service.

SECTION 8 WASTE OR EXCESSIVE USE

No substantial addition to the water-consuming equipment or application connected thereto should be made except after written notice to and written consent from the District.

SECTION 9 RESALE OF WATER

The water furnished under this Ordinance is for the use of the customer on his or her premises. He or she shall not resell any of it without the written consent of the District.

SECTION 10 RIGHT OF ENTRY

The properly authorized agents or employees of the District shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of inspecting cross connections, protective devices, atmospheric tank installations, booster pump vacuum breaker valves, and general plumbing, as well as for the purpose of reading, inspecting, repairing, or replacing the meter at the termination of the contract or the discontinuance of the service. All District agents or employees shall have proper credentials on their persons at all times.

SECTION 11 SHUTOFF MECHANISM; BACKFLOW PROTECTION DEVICE REQUIRED

Each applicant for service shall, at his or her sole expense, equip his or her service line with a suitable shutoff or valves and a backflow/antisiphon protection device approved by the

Operations Manager. The valve shall be installed on the District side of the meter. The backflow/antisiphon device shall be installed on the customer side of the meter and shall be assembled, installed, and maintained by the customer, subject to the approval of any authorized inspectors and in accordance with the District general rules and regulations in force at that time.

It shall be the duty of the customer at any premises where backflow-prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the Operations Manager deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, District employees, or by a certified tester approved by the Operations Manager. It shall be the duty of the Operations Manager to see that these tests are made in a timely manner. The customer shall notify the Operations Manager in advance when tests are to be undertaken so that the customer may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the customer's sole expense whenever said assemblies are found to be defective. Records of tests, repairs, and overhauls shall be kept and made available to the Operations Manager.

SECTION 12 MAINTENANCE OF SERVICE PIPES; METER BOXES

- 12.1 All service pipes from the water main to and including the curb stop or buffalo box shall be maintained in good repair at the sole expense of the customer, including the replacement thereof if necessitated because of damage, corrosion, tuberculation, or other deterioration.
- 12.2 All service pipes and fixtures from the curb stop or buffalo box to the meter shall be installed and maintained at the expense of the customer, and any leaks or other defects in said pipes or fixtures shall be properly repaired by the customer. Service extended to property not adjacent to a water main, whether through public or private property, shall be considered a service pipe, which shall be maintained by the customer at his or her sole expense, unless the line or main has been accepted in writing for maintenance by the District prior to its installation. If needed repairs are not made to service lines within two days of notification by the District, the District may, at its sole discretion, terminate service to the property where the water wastage is allowed to continue.
- 12.3 All meter boxes, including so-called pits or vaults, constructed or installed by the customer, regardless of locations, and all such boxes constructed or installed by the District and located on private property shall be maintained in good repair by the customer at his or her sole expense.

12.4 No meter box, pit, or vault shall be placed by any customer in the serving area of the District.

SECTION 13 BOOSTER PUMP

13.1 No booster pump shall be installed without the written approval of the District.

13.2 In any booster pump installation, the suction of the pump shall be connected to an atmospheric tank with the public water supply entering the tank being controlled by an automatic float valve and freely discharging into the tank at a minimum of six inches above the positive overflow level of the tank.

13.3 As an alternate, a vacuum breaker valve with a cushioning valve shall be installed on the suction of the pump.

SECTION 14 FIRE PROTECTION SYSTEM

14.1 Before any modifications are made to any private fire protection system or before service is furnished to any new fire protection system, connected to or proposed to be connected to and supplied with water from the District mains, final plans shall be filed with and approved by the District.

14.2 The following shall be shown on the plans:

14.2.1 The number of sprinkler heads to be served.

14.2.2 The sizes and locations of the system's piping.

14.2.3 The sizes and locations of all connections to the District's distribution mains.

14.2.4 The sizes, locations, and types of all valves.

14.2.5 The sizes and locations of all hose connections, reels or cabinets.

14.2.6 The sizes and locations of storage tanks connected to the system.

14.2.7 The outlet sizes and locations of all fire hydrants.

14.3 All fire protection lines within buildings shall be installed in such manner that all pipes

will be easily accessible for inspection at any time. Underground pipes outside of buildings must be placed and maintained at a minimum depth of 4 ½ feet. No connections with a fire protection system will be permitted to supply water service for commercial or industrial use, unless the connection has been approved by the customer's fire underwriter.

- 14.4 Discontinuance of service shall not apply to any case where a customer has entered into a contract with the District to take service from the District for a definite period of time specified or provided for in such contract.
- 14.5 The District may require metering of a fire suppression system if it is deemed necessary by the Operations Manager and the Board.

SECTION 15 SWIMMING POOLS

Swimming pools shall be filled with a customer's regular service. If for any reason the District grants permission for the use of a fire hydrant, a charge for the use shall be levied. The charge shall be based on the cost of the meter installation, the established minimum bill for the fire meter used, and the normal charges for amounts of water used in excess of the minimum. The Board shall establish a reasonable deposit to be kept by the Administrative Manager while the meter is being used by the customer.

SECTION 16 SERVICE CONNECTIONS

- 16.1 All service connections to the mains in a District water system shall be made by a state-licensed plumbing contractor and paid for by the land developer or customer. All such connections shall be made to District specifications and shall be subject to inspection by the Operations Manager.
- 16.2 The District reserves the right to locate the point at which the service connection will be made and to control specifications on all service pipe from the main to the building. The location of the service and service box (buffalo box) shall be at the judgment of the District. Such location shall take into consideration the convenience to the customer and the District.
- 16.3 The customer, at his or her sole expense, shall install or cause to be installed the service run into his or her own premises. The Operations Manager shall inspect the service trench before it is backfilled for each service run made by a plumber, a contractor, or an individual customer.

- 16.4 All service pipe shall be type K soft copper from the main to the meter, unless pipe of another material is approved in writing by the Operations Manager. The service line from the meter pit to the residence may be DR 9 (200) psi rated copper pipe size with a tracer wire, or the aforementioned type K copper. No service pipe shall be less than three-quarters of an inch nominal diameter.
- 16.5 Larger services may be used upon approval by the District. All such installations shall conform to state and local codes:
- 16.6 Service pipes, curb stops, service boxes, meter pits, stop and waste valves, and other fixtures used in the installation of, repairs to, or additions to service pipes shall be of a type, specification, quality, and location approved by the District. The materials and supplies of any manufacturer which are in accordance with the state and local specifications may be approved.
- 16.7 As a general rule, new water service will be furnished through a single service pipe, but if the situation is exceptional, requiring special consideration, the District may make such arrangements as the circumstances require.
- 16.8 A new service pipe between the distribution main and a building shall be run in a straight line, whenever it is practicable and possible, without bends and at a depth of not less than four feet. No pipe having joints shall be driven.
- 16.9 Developers, contractors, or individuals requesting taps shall obtain the necessary permits for each lot or separate premises to be served from the District Administrative Manager. Applications for taps and service shall be accompanied by the necessary prevailing fees.
- 16.10 Taps shall not be installed until a subdivision has been approved, locating yard lines, dedications, and such, thus preventing improper location of the service.
- 16.11 All water taps shall be installed by a state-licensed plumber, at the request of the customer, developer, or subdivider. The District shall inspect and approve all taps. A main connection fee for each tap shall be made. Water tap service line termination, which will be with a curb shut-off valve and valve box, will be marked with two by four stakes, four feet to six feet long, at the curbbox. The curbbox will be turned down to a point six inches below the grade, if the final grading has not been done.
- 16.12 Water service lines and sewer lines shall not be installed in the same trenches unless they are laid four feet apart and bedded on firm soil.
- 16.13 If the service line from the house to the curb shutoff valve site is installed prior to the installation of the service tap, the end of the line shall be marked as in paragraph 16.11 of this section, or the service pipe shall project above the surface to show its location. In

general, taps shall be installed at the front/rear centerline of the lot between the curb-shutoff and the property line and shall extend perpendicularly to the main completely to the property line of the lot served before any change in direction is made.

- 16.14 Any developer, general contractor, or person responsible for disturbing or damaging water service or valve boxes once the services have been properly installed shall be liable for the cost of repairs.
- 16.15 The District will make every reasonable effort to assist the customer or developer in scheduling the tapping for orderly installation to avoid needless conflict or delay.
- 16.16 The utility will make all turn-ons; if at the end of the agreement period (four months) a meter has not been installed, the water will be turned off.
- 16.17 In order to see that no open spigot or fault exists in the plumbing, a representative of the builder must be on hand at the site of the building before water will be turned on by the District.
- 16.18 The applicant must notify when the billing is to be transferred to an owner or purchaser; otherwise, the original applicant will be billed until such record of transfer is made available to the District.

SECTION 17 METERING

- 17.1 Unless otherwise specified in the contract between the District and the customer or by the rate on file, the water supplied will be measured by a meter of standard manufacture, furnished and installed by the District according to its requirements in force and effect, as amended from time to time. The customer shall provide for this purpose, free of expense to the District, a suitable place near the service entrance, either in the basement, in an approved meter box, or in a location which is approved by the District, before installation, and which is readily accessible to the District.
- 17.2 A remote reading device is hereby required for all new construction and whenever a meter is not readily accessible for repairs or for reading at all times.
- 17.3 At all remote reading device locations, the inside meters shall be read at least once each year. Where there is a discrepancy between remote device readings and inside meter readings, the latter shall be used.
- 17.4 The utility will designate the size of the meter to be used for serving any customer. Each building to be served must be supplied by at least a three-quarter-inch service. When the

service is larger than this, the utility reserves the right to designate the number of meters that can be supplied by such service.

- 17.5 A bypass around any new meter installation will be required. Water service shall not be interrupted for any reason while the meter is being repaired or replaced.
- 17.6 The bypass shall be furnished and installed by the customer according to the District's specifications. It shall be capable of being locked in an on or off position. Where existing piping not containing a bypass is altered to meet any of the conditions of paragraph 17.5 of this section, the alteration shall also include the installation of a bypass. Any tampering with the lock may result in discontinuance of service.
- 17.7 All meters or other appliances and equipment that are furnished by the District and that may at any time be on the customer's premises shall, unless otherwise expressly provided in this section, be and remain the property of the District. The customer shall protect such property from freezing and from loss or damage, and no one who is not a representative of the District shall be permitted to remove such property or tamper therewith.
- 17.8 Ordinary repairs to meters will be made by the District without expense to the customer. Repairs of damage caused by carelessness or neglect on the part of the customer will also be made by the utility, but the cost of such repairs shall be charged to the customer.
- 17.9 A meter may be inspected and tested by the District at any reasonable time. A meter will be tested by the District upon request of the customer, but not more frequently than once in 12 months. A report of the results of such a test will be made to the customer, and a complete record of the test will be kept on file in the District office. The customer may be present or have a representative present when the meter is tested. If a test requested by the customer establishes that the meter is over registering more than two percent, no charge will be made for the test and the test fee shall be refunded to the customer. Otherwise, the District shall charge the customer for making the test in accordance the District's rate ordinance and any other applicable ordinance provisions in effect at the time of the inspection.
- 17.10 For the determination of meter accuracy, the District shall use the appropriate test flows specified by the American Water Works Association for the various types of meters. These test flows for displacement type cold water meters are on file in the District office.

SECTION 18 METER READINGS; BILLING

- 18.1 Meters shall be read each month and bills shall be rendered monthly according to the schedule of rates duly adopted and filed. All bills shall be due no later then (20) days

from the billing, and as listed on the bill.

- 18.2 Meters shall be read each month. If for any reason there is not an actual reading obtained by the District within a four-month period, the Administrative Manager may instruct the Operations Manager to make an actual reading. The District shall contact the customer for admittance to the meter. If refused admittance, Operations Manager shall shut the water off until an actual meter reading has been obtained.
- 18.3 All water charges shall attach to the premises served as well as to the customer. The owner of rental premises shall be liable for the payment of all bills rendered for service supplied to such premises. If water service charges are left unpaid by a customer upon vacation of any premises served, the utility shall withhold water service to the premises until the charges are paid.
- 18.4 Each bill shall be due upon receipt and payable at the District office or at such other places as the District may designate.

SECTION 19 DAMAGE TO DISTRICT PROPERTY

- 19.1 No person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of a water works.
- 19.2 Any person violating this Section shall be liable to the District for all damages resulting from the acts and subject to the maximum penalty which the District may impose pursuant to the laws of the State of Indiana at the time of such violation.

SECTION 20 ENFORCEMENT

- 20.1 The provisions of this Ordinance shall be enforced by the Operations Manager and such employees as he or she, with the approval of the Board, may appoint for such purposes. Whenever said Operations Manager or duly authorized employee shall deem it appropriate to charge a person with a violation of this Ordinance, he or she shall issue to such person a Notice of Violation, and/or Summons, which shall be processed according to the provisions of Indiana Code 34-28-5 and any amendment thereof.
- 20.2 In addition to the aforementioned notice, any person violating any provision this Ordinance, except for Section 19 above, shall be served with a written notice stating the nature of the violation and a reasonable time period for the correction of such violation to the satisfaction of the District. The offender shall, within the time period stated by the

notice, permanently cease all violations. Each day in which any such violation shall continue shall be deemed a separate violation.

- 20.3 The notice referred to in the previous paragraph shall be deemed sufficient if it is addressed to the customer and mailed or delivered to the customer at the last address provided by the customer to the District or at the last address of the owner of the property on file among the records of the auditor or treasurer of the county where the property is located. It shall be the duty of the customer to advise the District of his or her current mailing address.
- 20.4 The Operations Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.

SECTION 21 Penalties for Violation

- 21.1 Any person who violates or fails to comply with any provision of this Ordinance or of the rules and regulations of the Board pertaining thereto, shall be deemed to have committed a Class B infraction and if convicted of said infraction in a court of competent jurisdiction will be subject to a fine not to exceed \$1,000.00 per infraction as provided by Indiana Code 34-28-5-4. Each day that such violation or noncompliance continues shall constitute a separate offense.
- 21.2 Any person found to be violating any provision of this Ordinance, whether such violation occurs before or after the notice referred to in Section 20, shall be liable to the District for any expense, loss, damage, or fine, including, but not limited to, reasonable attorney fees and other costs, resulting from the existence of such violation incurred by the District as a result of any such violation. The amount of any such liability shall be due and payable within fifteen (15) days of the date of billing by the District, and shall be collectible in the same manner as other rates and charges are collectible by District.
- 21.3 In addition to any other remedies provided by this Ordinance, other Ordinances, or federal and state law, the District may discontinue water service to the property. Said service shall not be restored until the delinquent account has been paid or the violation has been cured and all costs and penalties, including, but not limited to, the costs of terminating and reconnecting the sewer service, shall have been paid.
- 21.4 The Board has determined that the measures heretofore set out are a reasonable means of ensuring compliance with this Ordinance, and are further necessary to protect and ensure the health, safety, and welfare of the customers of the service area and surrounding areas.

SECTION 22 APPEALS

A person may appeal a decision made by a District employee relative to the water works or rates and charges for waters service to the Board. A decision of the Board relative to the water works or rate and charges for water service may be appealed to a LaGrange County, Indiana, court pursuant to the provisions of the Indiana Administrative Adjudication Act.

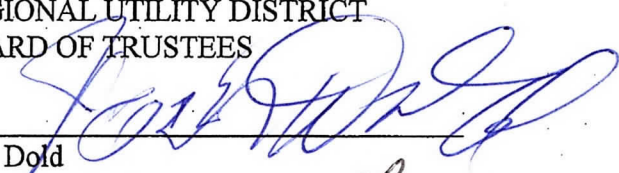
SECTION 23 EFFECTIVE DATE

This Ordinance shall become effect upon promulgation by law.

[Signatures follow on next page.]

All of which is ordained this 12 day of May, 2010.


LAGRANGE COUNTY
REGIONAL UTILITY DISTRICT
BOARD OF TRUSTEES




Jack Dold



Michael R. Sutter



Robert Jarolim

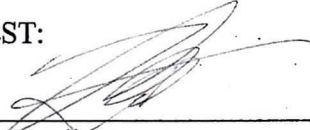


Howard Slater



Fred Stuefer

ATTEST:



Robert Jarolim