

WATER WORKS REGULATIONS

(36-9-2-14)

GENERAL ORDINANCE NO. 32 - 2006
AN ORDINANCE MODIFYING WATER ORDINANCE AND AMENDING
ORDINANCES IN CONFLICT HEREWITH

WHEREAS, the Marion Utility Service Board and the Common Council of the City of Marion, Indiana, have determined that the existing Water Ordinance, set out as existing Marion City Code 36-9-2-14, requires modification to account for changes in various circumstances and procedures; and

WHEREAS, it is necessary that the Water Department have reasonable opportunities to issue billing and protect water supplies;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Marion, Indiana;

SECTION I

Marion City Code 36-9-2-14 is hereby amended to read as follows:

(b) RULES AND REGULATIONS

(1.) Definitions: The following terms shall be defined as set forth below for the purpose of this section:

- a. Customer means any person, municipality or other governmental agency, which has agreed orally, or otherwise, to pay for water service received from the City Water Utility.
- b. Board means the City Utility Service Board or any duly authorized officials acting in its behalf.
- c. Premises means a dwelling, building, structure or parcel of real estate, which is normally supplied through a separate service pipe and meter installation.

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- d. Private Fire Service means a privately owned arrangement of pipes, fixtures and devices designed for stand-by service and from which water is taken only for extinguishments of fires.
- e. Private Main means a privately owned pipe connected to the Utility's distribution system and used to deliver water or for general service purposes. Service rendered through a private main shall be billed directly by the Utility in accordance with established rates unless otherwise provided by written contract.
- f. Service Pipe means a supply pipe including fittings leading from the tap in the distribution main to or into the premises supplied or to be supplied.
- g. Tap or Corporation Stop means a fitting owned by the Utility and inserted into the distribution main to which the service pipe is attached.
- h. Utility means the City Water Utility, owned by the City, operated and managed by the City Utility Service Board and engaged in furnishing public water in the City and its environs.

(c) RULES AND REGULATIONS ON FILE

The rules and regulations under which water service shall be rendered are incorporated by reference into this Code section. Two (2) copies of these rules and regulations shall be filed in the Office of the City Clerk and are available for public inspection in accordance with Indiana Code 36-1-5. Another copy shall be filed for the convenience of the public in the general office of the utility.

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(d) WRITTEN APPLICATION OR CONTRACT REQUIRED

A written service application or a properly executed contract will be required from a prospective customer (including a contractor or a builder) before the Utility shall supply service; however, the Utility 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 Utility may require the contract to be for an appropriate period of time specified by the Utility when the contract is executed.

(e) MODIFICATION OF CONTRACT

No promises, agreements or representations by any agent of the Utility shall be binding upon the Utility unless they have been incorporated in a written contract signed and approved by an agent of the Utility authorized to sign that contract on behalf of the Utility.

(f) ASSIGNMENT OF CONTRACT

The benefits and obligations under any contract for the supply of water by the Utility shall begin when the Utility commences to supply water service there-under and shall inure to and be binding upon the successors, assigns, survivors, executor or administrator, as the case may be, of the original parties thereof; provided, that no assignment there of 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.

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(g) DEPOSITS

The Utility may require from each applicant for water service a cash deposit equal to the applicant's estimated billing for a period of ninety (90) days or as established by City Ordinance against the non-payment of bills for service. However, if the applicant is an owner of real property whose credit is approved by the Utility, the Utility may waive that deposit. If the customer's bill remains unpaid for a period of five (5) days after the date of the final bill or the date of the discontinuance of service, the amount of that bill shall be deducted from the deposit and the balance, if any, will be remitted to the depositor.

(h) TURNING ON WATER SERVICE

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 any person except a Water Utility representative. Water service shall not be turned on unless there is at least one (1) adult person present to see that all water outlets on the premises are closed in order to prevent water damage.

No person except an authorized representative of the Utility, a Fire Department or the City Street Department shall open, operate or remove the nozzle cap from any fire hydrant to which water is supplied by the Utility.

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When water is required to test plumbing before a water contract has been executed and a meter installed, a Water Utility employee shall be called to make the turn-on and turn-off. Any person except as Water Utility employee who makes such turn-on shall be deemed to have committed an ordinance violation.

(i) PAYMENT OF BILLS

All residential, industrial, and commercial bills shall be rendered monthly. If a bill is not paid on or before the due date, approximately fifteen (15) days after the bill is mailed to the customer, indicated on the bill, the customer shall be considered delinquent. Any time thereafter, prior to the payment of the past due bill, the Utility may, after serving notice, discontinue service.

All water charges are incurred by the customer rather than the property. If a customer moves from premises where he or she has been supplied with water service, the customer shall be held responsible for the payment of all bills rendered for the service supplied to those premises unless and until he or she gives proper notice at the office of the Utility that service is to be discontinued at those premises.

(j) DISCONTINUANCE OF SERVICE

Whenever a customer desires to have a service discontinued, he or she shall notify the Utility of that desire and of the date on which service is to be discontinued, sufficiently in

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advance of that date to provide a reasonable time for the Utility to obtain the final meter reading.

The Utility shall not abate charges in whole or in part due to the extended service of the customer or for any other cause unless the Utility has been notified to turn off the water.

The Utility shall temporarily discontinue service at the request of a customer without charge during regular working hours. After regular working hours a service charge will be applied.

(k) NEW SERVICE APPLICATIONS

All customers who request water service which will require a new water main tap and service line shall be required to make a written application for service to the Utility engineering department. The application shall indicate the location of the premises to be served, size of service line and estimated water requirements. The Utility shall then advise the applicant of the form and character of the water supply available. Applications shall be valid for one (1) year. Any applicant may request an extension of time.

(l) SERVICE CONNECTIONS

All service pipes shall be cast iron, ductile iron or type "K" copper from the water main to the meter setting or curb stop. To provide a stable meter setting for outside residential meters, the outlet from the meter box shall be a minimum of three-quarter (3/4) inch ID

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type “K” copper for horizontal distance of three (3) feet. No service pipe shall be less than three-quarter (3/4) of an inch ID.

The Utility reserves the right to determine the placement of each service connection so that the curb stop or meter box will, as a general rule, be located between the present or proposed sidewalk and curb, or at any other location which, in the judgment of the Utility, shall provide a safer, more convenient or more satisfactory location for the curb stop or meter box.

The customer at his or her own expense shall be responsible for construction of the service tap in the water main, the meter box, lid and yoke and the service line from the main to the premises served.

At the customer’s expense, the service connection in the water main and the service line from the water main to the property line shall be installed by a licensed bonded plumber, approved by the Utility Manager, in accordance with specifications of the Utility.

The customer, at his or her own expense, shall install the meter box, lid and yoke at the property line all in accordance with specifications furnished by the Utility. The customer shall also at his or her own expense install the service line from the property line to the premises served. Type “K” copper is recommended for that use.

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All tap connections two (2) inches ID and greater shall have plans and specifications submitted along with the application for approval by the Engineering Department.

Service pipes, curb stop, 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 and quality approved by the Utility. The material and supplies of any manufacturer, which are in accordance with the Utility's standards specifications, may be approved.

As a general rule, water service shall not be furnished through a single service pipe to more than one property. Under unusual or exceptional conditions, the Utility may waive this rule if the circumstances require.

If service has been installed prior to March 18, 1980, and is not in accordance with the provisions of this City Code section, and if water is being taken through a single curb stop to supply two (2) or more premises, each customer benefiting from that arrangement shall be responsible for the payment of his or her own water bills and other legitimate charges.

Any violation of this City Code subsection with respect to either or any of those premises shall be deemed an ordinance violation as to all. The Utility may enforce compliance with this Code section by shutting off the supply of water to all; however, that action shall not be taken until the customer not in violation of this Code section has been given

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written notice and a reasonable opportunity to attach his or her service pipe, at his or her own expense to a separately controlled curb stop.

A new service pipe between the distribution main and a building shall be run in a direct line whenever it is practicable and possible without bends and at a depth of not less than four and one half (4 ½) feet.

No pipe having joints shall be driven. Service pipes shall not be laid in the same trench with sewers or any other conduit unless written approval has been given by the Utilities Engineering Department.

New service lines shall be connected directly to a water distribution main, which is immediately adjacent to the property requesting service. If an adequate distribution main is not available immediately adjacent to the property requesting service the property owner shall petition for a water main extension in accordance with subsection (y).

(m) MAINTENANCE OF SERVICE PIPES AND METER BOXES

The service pipe and its fixtures from the water main to and including the curb stop shall be maintained in good repair at the expense of the Utility, including replacement if necessary because of damage, corrosion, tuberculation, or other deterioration. If replacement is necessary due to increased demand by the customer, that replacement shall be at the customer's expense.

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The service pipe and its fixtures from the curb-stop to the building served, the meter excepted, shall be maintained at the expense of the customer or owner of the property. Any leaks or other defects in the pipe or fixture shall be promptly repaired by the customer or owner. A service line or private main extended to property not adjacent to a Utility water main, whether extended through public or private property, shall be maintained by the customer or owner, unless that line or main has been accepted in writing for maintenance by the Utility. If needed repairs are not made to that service line or private main within seven (7) days of written notification by the Utility, the customer or property owner may be charged Five Dollars (\$5.00) per day for each day following that seven (7) day period of grace that the water leak or other defect is allowed to continue.

All meter boxes and lids shall be maintained in good repair by the owner at his or her expense. In the event that the shut-off is located inside the meter pit, the Utility shall maintain the service pipe up to the shut-off valve on the inlet side of the yoke and shall also furnish and maintain the meter. The owner shall maintain the meter yoke and service pipe leading from the outlet side of the yoke and shall be responsible for all changes in grade or location of the meter box.

(n) INSIDE PIPING AND SERVICE LINES

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Each applicant for service shall, at his or her own expense, equip his or her main supply line with a suitable shut-off valve or valves just inside the foundation wall and shall provide all piping and attachments, all of which shall be assembled, installed and maintained by him or her, subject to the approval of any authorized inspectors and in accordance this Code section.

Each three-quarter (3/4) inch service line shall have compression type stop and waste valve on the inlet side of the meter. Each one (1) inch or larger service line shall have a gate type shut-off valve on both the inlet and outlet side of the meter.

(o) CROSS CONNECTIONS

No customer shall allow or cause the construction or maintenance of a cross connection. A cross connection is any physical arrangement, including non-working cross connection control devices, whereby a public water supply is directly connected, either continuously or intermittently, with any contaminated or otherwise un-potable liquid or material that may be imparted to the public water supply. The policy of Marion Utility Service Board (MUSB) further addresses cross connection and backflow hazards, application and installation requirements, testing, inspection, and compliance issues in keeping with the Indiana Administrative Code, as further referenced therein. The Cross Connection Control Policy of MUSB is hereby incorporated by reference into this code section. MUSB does not assume responsibility for damage, sickness, or death arising from the

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existence of a cross connection or from the use or failure of a backflow prevention device, whether approved or not approved.

(p) USE OF BOOSTER PUMP

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

In all booster pump installations, the suction of the pump shall be connected to an atmospheric tank with City water flow entering the tank being controlled by an automatic float valve and freely discharging into the tank a minimum of six (6) inches above the positive overflow level of the tank.

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

In all cases, a device shall be installed to control the operation of the booster pump when pressure to the suction side of the pump drops as per Indiana Administrative Code, further referenced by MUSB Cross Connection Control Policy.

(q) ACCESS TO PREMISES

With consent of the owners or as authorized by law, properly authorized representative of the Utility shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of inspection cross-connection protective devices, atmospheric tank

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installations, booster pump vacuum breaker valves, and general plumbing, as well as for the purpose of reading, inspection, repairing or replacing meters used in connection with the service and removing those meters at the termination of the contract or discontinuance of the service.

(r) METERING

Unless otherwise specified in the contract between the Utility and the customer or by the tariff on file, the water supplied shall be measured by a meter or meters of standard manufacture, furnished and installed by the Utility in accordance with current standards. The customer shall provide for this purpose, free from expense to the Utility, 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 Utility before installation.

The Utility shall designate the size of the meter to be used for serving any customer. Each building to be served directly from the main must be supplied by at least a three-quarter (3/4) inch ID service. If the service is larger than this, the Utility reserves the right to designate the number of meters that can be supplied by that service.

All meters or other appliances and equipment which are furnished by and at the expense of the Utility and which may at any time be on the customer's premises shall, unless otherwise expressly provided by this Code section, be and remain the property of the Utility. The customer shall protect that property from freezing and from any loss or

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damage. No person except a representative of the Utility shall remove that property or tamper with it.

Ordinary repairs shall be made by the Utility without expense to the customer. Repairs of damage caused by carelessness or neglect by the customer shall also be made by the Utility but the cost of those repairs shall be charged to the customer.

A meter shall be tested for accuracy if the customer requests it. If the test establishes the accuracy of the meter to be within ninety-eight (98) per cent and one hundred two (102) per cent the Utility shall charge the customer Five Dollars (\$5.00) for making the testing. The customer may have a representative present when the meter is tested.

(s) BASIS FOR BILLING

All charges for water usage, other than for un-metered fire service or other special purposes, shall be calculated upon the registration of the meter or meters installed.

The Utility shall make every effort to read industrial, residential and commercial meters on a regular basis. Those readings shall be prima facie evidence of the amount of water used. If a meter fails to measure accurately or is not read for any reason, the customer shall be billed an estimated charge based on the average of the previous billings. The first billing made after the meter is read shall be adjusted according to the meter reading.

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If water is taken through more than one (1) meter, and if that arrangement is for the convenience of the customer, then each meter shall be read and billed separately. If water is taken through more than one (1) meter for the convenience of the Utility, then the meter readings shall be aggregated and billed as one (1) reading.

All water passing through meters shall be charged for, whether used, wasted or lost through leakage. However, the MUSB may, at its discretion, adjust individual customer water charges for hidden leaks. A hidden leak is defined as: any leak which in ordinary usage cannot be detected by loss of pressure, sound, or sight of running water.

(t) DENIAL OR DISCONTINUANCE OF SERVICE FOR CAUSE

(1) Denial of Service

The Utility reserves the right to refuse an application for service if the applicant is indebted to the Utility for prior service rendered at any location. The Utility shall make known to the applicant the reason for that refusal.

The Utility shall also refuse to turn water service on to a property having delinquent sewer service charges outstanding.

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(2) Discontinuance Without Notice

The Utility reserves the right to discontinue service without notice to any customer:

- a. When an emergency exists.
- b. For unauthorized use of water.
- c. For an unapproved cross connection of a customer's water pipes to any other source of water supply or for permitting any condition to exist about his or her premises that causes or might cause pollution of the public water supply.
- d. Upon order of any authority having jurisdiction of that matter.
- e. For any tampering or knowingly permitting any tampering with any service pipe, curb stop, meter or meter seal.
- f. For any fraudulent representation or concealment related to consumption for use of water.

Water service discontinued for any of the foregoing reasons shall be renewed immediately and without charge, except for a charge for the estimated loss of water revenue in items (e) and (f) above, to a customer upon the correction of the condition causing the discontinuance.

(3) Discontinuance After Five-Day Notice

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The Utility reserves the right to discontinue all water service to all or any part of the premises of a customer who has been given at least five (5) days written notice, either mailed to him or her at his or her address as shown on the records of the Utility or delivered personally to him or her or to a person on his or her premises, that his or her water service shall be discontinued in whole or in part if any situation as listed below continues:

- a. Delinquency in the customer's account with the Utility in connection with charges for water or sewer service supplied, meter or service maintenance or contractual payment for facilities.
- b. Failure to provide and maintain an adequate cash deposit guaranteeing payment of water and sewer bills as requested by the Utility.
- c. Wastage of water due to a leak in a privately owned water main, service pipe or appurtenance between the curb stop and the meter, in a private fire protection system or in any other un-metered facility connected directly or indirectly to the Utility's distribution mains.
- d. Failure to maintain free and non-hazardous access to the premises and to the water meter so that representatives of the Utility may take meter readings, make all necessary inspections and maintain, replace or remove the meter.
- e. Failure to maintain an approved meter setting, including pits and vaults.

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- f. Installing a new service pipe and appurtenances and altering or removing existing service pipes and appurtenances including the meter without the written authority of the Utility.
- g. Vacancy of premises.
- h. Violation of any provision of this City Code section.

Water service discontinued for one of the foregoing reasons shall be renewed by the Utility upon application when the conditions under which that service was discontinued has been corrected, when all charges to the customer have been paid, and when access to the premises may be had during regular working hours. A charge commensurate with the cost of turning off and turning on the service may be made. If shutting off or renewing the service involves any excavating, the cost of that work shall be an additional charge against the customer.

- (4) Whenever the Utility has turned off a water service, the customer shall not turn it back on nor shall he or she cause any other person to turn such service on.
- (5) The discontinuance of service shall not terminate a contract between the customer and the Utility nor shall it abrogate any minimum charge, which may be effective. The remedies provided the Utility in this City Code section shall not be exclusive and shall be in addition to any other remedies, which the Utility has at law or in equity.

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(u) Notification of Load Increase

The service connections, meters and distribution mains have definite capacities. No substantial addition to the water consuming equipment or appliances connected to them shall be made except after written notice to and written consent from the Utility.

(v) Resale of Water

The water or service furnished under this Code section is for the use of the customer on his or her own premises. He or she shall not resell any water or service without the written consent of the Utility.

(w) Private Fire Protection Service

The entire private fire protection service on a customer's premises shall be subject to inspection and tests by the Utility at such times, as it deems necessary.

Before any modifications are made to any private fire service protection system or before service is furnished to any new private fire protection system connected to or proposed to be connected to and supplied with water from the Utility's distribution mains, final plans of that fire protection system shall be filed with and approved by the Utility Engineering Department. The following shall be shown on the final plans:

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1. The number of sprinkler heads to be served;
2. The sizes and location of the system piping;
3. The sizes and locations of all connections to the Utility's distribution mains;
4. The sizes and locations of all valves;
5. The sizes and locations of all hose connections, reels or cabinets;
6. The sizes and locations of storage tanks connected to the fire system;
7. The outlet sizes and locations of all fire hydrants.

All fire protection lines within buildings shall be installed so that all pipes shall be easily accessible for inspection at any time. Underground pipes outside of buildings shall be placed and maintained at a minimum depth of four and one-half (4 ½) feet. All private fire protection lines, hydrants and metering facilities shall be maintained by and at the expense of the customer.

No connection with a fire protection system shall be permitted to supply water for general purposes unless the connection has been approved by the customer's fire underwriter and unless the general-purpose water is metered. If such a connection is approved, it shall be made outside the building to be served. Both the fire protection line and the general purpose line shall be separately valved in accordance with the Utility's specifications to permit either to be turned on or off without affecting the other.

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A private fire protection system without a tank shall be equipped with an alarm valve and a check valve. A system with a tank shall have one (1) alarm valve and two (2) check valves.

An un-metered private fire service is furnished for the sole purpose of supplying water for the extinguishments of accidental fires and the use of water from such a service connection for any other purpose shall be deemed an ordinance violation.

Hydrants and other fixtures connected to a private fire service connection may be sealed by the Utility. That seal shall be broken only in case of fire or as specially permitted by the Utility. The customer shall immediately notify the Utility when any such seal is broken.

Where a service tap on a Utility distribution main provides water for both fire and general purposes to a customer or customers, separate charges will be made for each purpose to each customer by the Utility in accordance with the established rules and schedule of rates.

A private fire service, at the option of the customer and after the approval of his or her fire underwriter, may be connected to his or her metered water service. The minimum monthly charge for those combined fire and general-purpose uses shall be as set out in this Code section.

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Any additional investment cost incurred by the Utility in that metering shall be paid by the customer. Maintenance of the general water service meter will be at the expense of the Utility.

If a private fire system is to be tested under the regulations of the fire service underwriters, the customer shall notify the Utility of that proposed test, stating the day and the hour when it is to be made, so the Utility may have a representative present for the test.

(x) Interruption of Service

The Utility shall not be responsible in damages for any failure to supply water service or for interruption of the supply of water, or for defective piping on the customer's premises, or for damages resulting to a customer or to third persons through the use of water or the presence of the Utility's devices on the customer's premises, unless due to fault, negligence or culpability on the part of the Utility. Neither party shall be liable to the other for any failure or delay in case that failure or delay caused by strikes, the acts of nature, unavoidable accidents or contingencies beyond its control and not due to fault, neglect or culpability on its part.

(y) Water Main Extension Policy

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IF any person desiring service from the Utility requests a water main extension, that person shall pay for the cost of the extension. This purpose of this requirement is to place the cost of the installation of local water mains upon the owners of the properties benefited. Water transmission mains, feeder mains and over-sizing of local water mains will be paid for by the Utility providing funds are available. The term "local water main" means a main, which from its size and character, is designed and intended to supply water needs, with adequate volumes and pressures only for properties abutting the street, alley, easement or other public land in which the main is laid but which is not designed and intended to feed collateral mains necessary to supply non-abutting properties.

This extension requirement shall be subject to the specific provisions of the following paragraphs:

1. Free Extensions

The Utility shall, upon written request for service from a prospective customer or a group of prospective customers located in the same neighborhood, make free of charge an extension necessary to give service to the petitioning prospective customers when the total estimated revenue for a period of six (6) years, from the prospective customer or customers is approximately equal to the cost of the extension, if, in the judgment of the Utility, the patronage or demand for water service shall be of a permanent nature warranting the expenditure involved.

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2. Extension Above Free Limit

If the extension required in order to furnish service at any point within the City limits, or for any suburb adjacent or contiguous to those limits, is greater than the free extension specified in this subsection, that extension should be made if:

a. Petition for Service

Upon the presentation of a written petition for water service by an interested person or persons, the Utility shall enter into an agreement with those petitioners covering the necessary main extension, describing the installation, the method of apportioning costs among the petitioners, the total estimated cost if possible and other relevant facts and undertakings. This agreement shall contain a statement by the petitioners that they are willing to pay their proportionate share of the main extension if the project is constructed. Detailed engineering design shall not proceed if the petitioners do not agree to pay the necessary cost of the extension over and above the free limit as described in this subsection. The petition shall be valid for one (1) year. An extension of time may be granted by the Utility. Preliminary engineering investigations shall be conducted at the Utility's expense for the benefit of petitioners. If those investigations require an

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excessive amount of time and cost in the judgment of the Utility Manager, a charge shall be applied to cover the cost prior to that initiating work.

b. Engineering and Detailed Cost Estimate

When the petitioners agree in writing to pay their proportionate share of the main extension, the Utility shall conduct the necessary field survey work and engineering design resulting in a detailed engineers' estimate of the cost of the project. Based upon the engineers' estimate, the project cost shall be allotted proportionately between the petitioners.

c. Contract for Service

Upon completion of the engineers' estimate, the Utility shall enter into a water main extension contract with said petitioners, which shall include a description of the installation, the estimated cost, the method of apportioning costs among the petitioners, and an arrangement for payment and other relevant facts and undertakings.

d. Initial Deposit

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Prior to advertising for bids or starting construction as the case may be, the petitioners shall be required to deposit their share of the cost of the main extension with the Utility. The total initial deposit may be either in a cash payment or by an irrevocable letter of credit acceptable to the Utility and issued by a national banking association or a bank chartered under State law or secured in any other manner which is mutually acceptable to the parties and which guarantees payment of the deposit immediately upon completion of construction of the extension. When the total initial deposit has been made, the Utility shall advertise for bids on the project, award the bid and begin construction. Upon receipt of firm bid prices, the estimated project cost shall be adjusted to actual and the cost to the petitioners adjusted accordingly.

e. Cost Basis

The amount to be paid by petitioners for a main extension shall be the total costs of contractual labor and expense, Utility labor and expense, material including handling charges and hauling costs, inspection, testing, disinfecting, overhead and engineering. Where feasible, petitioners may, by agreement with the Utility, furnish all or part of the foregoing cost elements, except inspection and testing. All those cost elements furnished shall conform to the standards of the Utility and the Utility shall be given certified statements of the actual costs of those elements paid for by the petitioner.

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f. Engineering and Over-sizing

Main extension design and specifications shall either be prepared by Utility engineering department or be approved by the Utility Engineer before installation by others. No pipe size smaller than that required to give that party an adequate supply of water including water for fire protection, nor less than eight (8) inches in diameter shall be used, unless in the Utility's opinion, that installation shall not materially improve the flow characteristics of the system. If the design for future use or other engineering considerations indicate the need for a water main larger than eight (8) inches, then the Utility shall assume the cost for over-sizing if funds are available. The computation of cost, either actual or estimated, shall be based on an eight (8) inch main, unless a larger or smaller main as determined by the Utility, is reasonably necessary to serve the proposed customer or customers, including fire protection service. In this event the cost, estimated or actual, shall be based on the size of main required.

g. Ownership of Mains

After completion and acceptance by the Utility, the water main extension shall become the property of and shall be maintained by the Utility. The Utility may

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connect additional water mains to an extension without incurring any financial obligations to persons sharing the cost of the first extension.

h. Refund Provision

The contact between the Utility and the original petitioners shall provide that any person who did not share the original cost of the extension and who wishes to use the extension within fifteen (15) years from the date of the acceptance of that extension shall be required to pay a fair and proportionate share of the original cost of the extension. The amount of the share collected from such new customer shall be based on a fixed connection charge as follows:

<u>TAP SIZE</u>	<u>CONNECTION FEE</u>
¾ Inch Connection	\$800.00
1 Inch Connection	1000.00
1 ½ Inch Connection	1200.00
2 Inch Connection	1400.00
2 ½ Inch Connection	1600.00
3 Inch Connection	2000.00
4 Inch Connection	3000.00

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6 Inch Connection	4000.00
8 Inch Connection	6000.00
10 Inch Connection	8000.00
12 Inch Connection	10,000.00

This additional share shall be refunded equitably to the original depositors annually or more frequently at the discretion of the Utility. The total amount refunded shall not exceed the amount of the original cost of the extension.

i. Exclusion of New Subdivisions

New subdivisions shall be excluded from eligibility for refund agreements. The developer shall pay the entire cost of the necessary water main construction and recover the cost in the lot price.

Water main extensions from the terminus of existing water mains to the subdivision, which would be subject to future connections, are eligible for refund agreements.

j. Recording Extension Contracts

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To insure collection of share and connection charges for those providing funds for local water main installations, the Utility shall file the original water main extension contracts with the County Recorder.

k. Waiver of Protest to Annexation

Petitioners for water main extensions and water service outside the City limits shall be required to execute a written agreement that the owner and his or her successors in title and assigns waive any rights to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by the City as a condition of receiving that water main extension and water service for that property.

l. Lateral Extensions

The Utility may connect additional water mains to an extension without incurring any financial obligation to person sharing the cost of the first extension.

However, the Utility shall not permit a prospective customer whose property is contiguous to the first extension to obtain service from an additional extension installed laterally from that first extension unless the customer pays a proportionate share of the cost of the first extension. The Utility shall collect in advance from the owner of that property a fixed connection charge as follows:

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WATER WORKS REGULATIONS

<u>TAP SIZE</u>	<u>CONNECTION FEE</u>
¾ Inch Connection	\$800.00
1 Inch Connection	1000.00
1 ½ Inch Connection	1200.00
2 Inch Connection	1400.00
2 ½ Inch Connection	1600.00
3 Inch Connection	2000.00
4 Inch Connection	3000.00
6 Inch Connection	4000.00
8 Inch Connection	6000.00
10 Inch Connection	8000.00
12 Inch Connection	10,000.00

This additional lateral connection fee shall be refunded to the original depositors annually or more frequently at the discretion of the Utility. The total amount refunded shall not exceed the original cost of the extension.

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(z) Connection Fee

If an applicant request water service and that service is to be connected to a water main which has not been financed by a refund agreement or by the abutting property owners or any other individual or group of individuals, that applicant shall pay to the Utility a connection charge of One Hundred Fifty Six Dollars (156.00) (*see amendment ord. 31-1993*).

(aa) Feasibility of Extension

The Utility shall not be required to make extensions under this Code section unless the customers initially to be served by that extension shall contract to use the service for a period of three (3) years.

(bb) Abandoned Service Lines

All abandoned service lines shall be physically cut-off and secured at the water main in order to eliminate the possibility of leakage due to deterioration. That work shall be performed in accordance with the requirements of the Utility engineering department at the expense of the customer, the property owner, or both.

(cc) Delinquent Sewer Bills

If the property having a delinquent sewage bill is served by the water utility, the Utility may, after mailing a written notice at least ten (10) days in advance to the water consumer and to the property owner, shut off water service to the property. The water

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service shall not be turned back on until the delinquent service charges and the costs of turning water service off and on have been paid.

When water service has already been discontinued for any reason, the Utility shall deny water service to the property until the delinquent sewer bill has been paid.

(dd) Inability to Read Meter

If the Utility is unable to gain access to an inside meter setting in order to obtain a reading for one (1) full year, the Utility shall send the customer a letter requesting arrangements for access within regular working hours or service will be discontinued.

(ee) Temporary Water Service

Contractors and others using water for construction or any other temporary use shall obtain a permit for each separate job or location and whenever possible, install a water meter to determine the amount of water used. If it is not possible or practical to meter the water used, the Utility shall establish a charge based on estimated water use.

(ff) Other Basis for Extensions

No provision of this City Code section shall prevent the City Utility Service Board from extending water and sewer lines under a different policy so long as the public interest is thereby served. *See Res. #1-2001.*

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SECTION II

All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved and ordered into effect by the Indiana Utility Regulatory Commission.

SECTION III

This ordinance shall be in full force and effect from and after its passage, approval and ordering into effect of the rates and charges herein set out by the Indiana Utility Regulatory Commission.

PASSED AND ADOPTED by the Common Council of the City of Marion, Indiana, this **19th day of September, 2006.**

Presiding Officer

ATTEST:

City Clerk

PRESENTED by me to the Mayor of the City of Marion, Indiana, this **20th day of September, 2006.**

City Clerk

APPROVED by me as Mayor of the City of Marion, Indiana, this **21st day of September, 2006.**

Mayor, City of Marion, Indiana