

RULES, REGULATIONS and RATES

Adopted 9/5/2017

Revised 9/5/2017

SECTION 1

SCHEDULE OF RATES AND CHARGES - ORDINANCE CC-2017-1969

SECTION 1. Whiting Municipal Code Sec. 16-76A and revised as follows:

Sec. 16-76 Schedule of water rates and charges

A. Generally. Effective January 1, 2018, a cost of living adjustment in the amount of Three Percent (3%) shall be added to the current rates for *Metered Consumption per Month Basic Service Charge and the Minimum monthly charge* for the use of and the service rendered by the waterworks systems of the city water utility, and the following new rates and charges shall apply, based on the amount of the water supplied during each monthly billing period:

<i>Metered Consumption per Month Basic Service Charge</i>	<i>Rate per 1,000 Gallons</i>
First 50,000 gallons	\$ 2.84
Next 50,000 gallons	2.31
Next 250,000 gallons	1.99
Next 150,000 gallons	1.72
Next 500,000 gallons	1.43
Over 1,000,000 gallons	1.03

B. Minimum charge. Effective January 1, 2018, each user shall pay the following new minimum monthly charges in accordance with the size of the meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates:

<i>Meter Size (inches) Charge</i>	<i>Minimum Gallons Allowed</i>	<i>Monthly Minimum</i>
5/8	3,000	\$ 8.52
3/4		14.08
1		29.86
1 ½		42.85
2		59.18
3		112.79
4		180.40
6		263.45
8		497.67

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C. Cost of living adjustment. Effective January 1, 2019, and annually each January 1 thereafter, a cost of living adjustment shall be made to the *Metered Consumption per Month Basic Service Charge* and the *Minimum Charge* in the amount of Three Percent (3%) per year. This cost of living adjustment shall continue in effect until amended by the Common Council and rates for the following five (5) years are designated herein. This change is made substantially pro rata for all classes of service.

VARIOUS NON-RECURRING CHARGES

Miscellaneous non-recurring charges exclusive of those mentioned previously shall be charged as follows:

Bad Check Fee	\$ 25.00
Late Payment of Bill	5% of outstanding amount due and owing
Repair of Frozen Meter	Labor and Parts
Residential Meter Test Fee	\$ 30.00
Turn Off/Turn On Fee	\$ 50.00
After Hours Turn On Fee	\$ 50.00 (this fee is in addition to the regular turn on fee)
Seasonal Turn Off/Turn On Fee	\$ 50.00
Shut Off Notice Administration Fee	\$ 10.00
Illegal Water Turn On By Customer Fee	\$ 250.00

SECTION 2

DEFINITIONS

1. **WATER DEPARTMENT:** Whenever the words "Water Department" appears herein, it shall mean the Whiting Municipal Water Department of the City of Whiting, IN.
2. **CUSTOMER:** Whenever the word "Customer" appears herein, it shall be taken to mean any person, firm, corporation or association taking service from the Whiting Municipal Water Department.
3. **OWNER:** Whenever the word "OWNER" appears herein, it shall mean the owner of the premises being furnished water, whether or not such owner occupies the premises.

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SECTION 3

APPLICATION

Application for service must in all cases be made before water service is rendered.

The Water Department shall require of each Customer taking service to apply in person at the Water Department office to make written application for service and have proper identification.

RESPONSIBILITY FOR WATER USAGE

The Legal Owner of a property shall remain responsible for the payment of all water charges incurred in connection with the Owner's premises in the event a non-owner fails to pay the same when due.

SECTION 4

BILLING

1. Water meters will be read monthly and billing for water service will be on a monthly basis. The meters are equipped with a transmitter which transmits the reading via radio frequency to the Billing Office. Bills rendered monthly to Customer for metered water service shall denote a beginning and ending reading. The ending reading shall have occurred during the month the bill is for, or if no reading was obtained, estimated for that time period. On bills which are estimated, the bill shall clearly state the estimated amount of usage appearing on the bill.

2. All accounts shall be due and payable at the Water Department office on the due date on the bill, and if not paid and received by the Water Department on the due date a late charge will be assessed a penalty of five percent (5%) of outstanding amount due and owing.

3. If the account for water charges is not paid within thirty (30) days after the due date of such bill, water service may be discontinued as hereinafter provided and the Customer and/or Owner shall pay all past due plus a reconnection charge before water service is resumed to premises.

4. In the event that any Customer shall pay his/her water bill or any combined water/sewer user charge, in whole or part, with a check, ACH or other commercial paper and said check and commercial paper is dishonored or returned for non-payment, a bad check charge shall be made to the Customer for each dishonored ACH or returned check or commercial paper. Said charge, when collected, shall become part of the general revenues of the Water Department.

5. All bills must be paid at the office of the Water Department or at the City Hall drop box or sent by United States mail to the office of the Water Department. Payment must be received at the office of the Water Department on or before the due date.

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6. In the event that an Owner has a water bill larger than he/she can pay in one payment, an agreed payment plan contract must be drawn up. One half of the balance must be paid at initiation of the contract and a reasonable, structured payment schedule will be made for the balance of the large bill and subsequent bills. The Owner of the property is the only person who can sign such a contract and must be done in person at the Water Department office. This contract does not automatically waive penalty.

7. If a meter is found not to register for any period, the Water Department billing software may estimate the charge for the water used based on recent past usage. If a meter continues to fail to register, a work order will be issued to investigate further.

SUMMER RATE BILLING - WASTEWATER

The summer wastewater charges as set forth herein shall apply to all residential users for the months of June, July and August. The summer wastewater charge is determined by the winter water usage for the months of December, January and February.

SECTION 5

METERS

1. All buildings must have a water meter installed before water service is turned on. After a meter has been installed it shall not be moved or disturbed without permission from the Water Department and the Water Department reserves the right to discontinue the water service if the meter has been tampered with in any way.

2. All water passing through the meter will be charged for, whether used or wasted, and no deductions will be made on account of leaks in plumbing fixtures.

3. Free access must be given to properly authorized representatives of the Water Department at all reasonable hours for examination of pipes and fixtures and for the taking of meter readings. Where access is denied, water supply will be turned off.

4. In the event of a meter transmitter problem/malfunction, failure to supply the Water Department with a meter reading for three (3) consecutive months, either by allowing access to the premise or delivering (in person, by mail, or e-mail) a written record of the meter reading, water service will be turned off until access is gained to the premises to obtain a meter reading.

5. If a meter becomes out of order and fails to register, the Customer will be charged during such period at the average consumption as shown by the meter when it was in good order. In the event a discrepancy is discovered between the outside meter reading device and the inside meter reading, the reading on the inside meter will govern.

6. For a fee the Water Department shall make a test of the accuracy of a meter upon request of the Customer. A report giving the results of such test shall be made to the Customer and a complete record of the same shall be kept on file in the office of the Water Department. If such test shall

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establish the average accuracy of the meter within two percent (2%), plus or minus, said fee shall be forfeited and accrued bills paid promptly. If such test shall show inaccuracy than the water charge shall be properly corrected and said test fee credited to Customer.

7. When a meter is found to have a positive average error (is fast) in excess of two percent (2%) in test made at the request of the Customer, the Water Department shall credit to the Customer an amount equal to the excess charged for the water incorrectly metered for a period not to exceed six (6) months. No part of a minimum rate need be credited.

8. When a meter is found to have a negative average error (is slow) in excess of two percent (2%) in test made at the request of the Customer, the Water Department will charge the Customer an amount equal the water incorrectly metered for a period not to exceed six (6) months.

9. The Water Department will furnish and maintain all meters two inches (2") or less at its own expense. All meters over two inches (2") in size must be furnished, installed, and maintained by the Customer.

10. A bypass will be installed on all meters two inches (2") or over in size. All such bypasses shall be sealed by the Water Department and shall not be tampered with without the approval of the Water Department. All bypasses will be installed at the Customers/Owners expense.

11. The Water Department shall not be held liable for any damage done by reason of the breaking of, or defect in, any of the Customer's pipes or fixtures.

12. Before any meter is installed by the Water Department, the Customer shall, at their own expense, have pipes and/or meter settings so arranged that all water will pass through the meter.

13. All meters shall be put in and connected under the direction and conformity with the rules and regulations of the Water Department. When placed in premises where a hot water tank is used, there shall be at least twenty (20) feet of piping between the meter and such hot water tank and a check or relief valve must be placed in the supply pipe between the hot water tank and the meter. If this rule is not complied with, the Customer will be charged for all damages to the meter caused by the hot water.

14. Customer will be held responsible for any damages to meter from freezing (except where located in outside meter pit), hot water or steam settling back from a boiler or tank or from any other source of neglect. Any necessary repairs will be made at the expense of the Customer.

15. The Water Department shall not allow unapproved cross connection of a Customer's water pipes to any source of water supply or for permitting any condition to exist that might cause pollution or contamination of the public water supply.

16. Backflow devices are to be installed when and where the Water Department so determines at the Customer/Owners expense.

SECTION 6

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SERVICE LINES

1. The installation of the service line(s), including the Curb Stop and Curb Box, shall at all times be the responsibility of the Customer and/or Owner. The service line shall be defined as "the water line connection from the water main to the water meter location".
2. The Water Department will only make repairs to the portion of the service line which connects from the water main to the Curb Box, provided that said service line is one inch (1") or less in diameter and serves a single family residence only.
3. The Customer and/or Owner shall be responsible for repairs of the service line from the Curb Box to the water meter location for lines that are one inch (1") or less in diameter. For repairs of service lines greater than one inch (1") in diameter the Customer and/or Owner is responsible for the entire service line, including the Curb Stop and Curb Box.
4. If a service line has been deemed beyond repair by the Water Department, the Customer and/or Owner shall replace said service line at their own expense.
5. If it is determined by the Water Department that a leak resulting in the loss of water exists on the service line, then the Water Department shall give the Customer and/or Owner a five (5) day notice to repair and/or replace said service line at their expense. If said repair and/or replacement is not made within the five (5) day period, the Water Department shall shut off and discontinue water service to such premises until such time as the repair and/or replacement is made.
6. In no case may two (2) or more buildings be served through one service line. Each building must have its own service line and Buffalo Box. In the event of a multiple unit building having two (2) or more meters each unit shall have a separate service line.
7. If an existing multiple unit building is served by one service line and has two (2) or more meters the contract(s) to purchase water shall remain with the Owner.
8. Thawing frozen pipes and/or service lines shall be the responsibility of the Customer and/or Owner.
9. No person, except the Water Department or a duly authorized agent of the Water Department, shall operate the Curb Stop. The Customer and/or Owner shall be responsible for any damages to the Curb Stop resulting from unauthorized operation.

SECTION 7

HYDRANTS

No person, except a duly authorized agent of the Water Department or Fire Department, shall open for public or private use any fire hydrant or take water from any fire hydrant, unless such person shall first obtain permission from the Water Department and if such permission is granted no other wrench except a regular hydrant wrench shall be used.

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SECTION 8

MISCELLANEOUS

1. Contractors, builders, plumbers, etc., are forbidden to use water without first applying for water service from the Water Department. No water service shall be turned on to a new building or structure under construction until this provision has been complied with.
2. Persons desirous of discontinuing the use of water at a premises must give written notice to the Water Department office prior to the stopping thereof or they will be charged until such notice is given.
3. No person supplied with water by the Water Department shall permit any other person or persons to take water through their service connection.
4. No person except a duly authorized agent of the Water Department will be permitted to tap or make connection with the main or any distributing pipe of the Water Department's system, whether owned by the Water Department or private individuals.
5. In no case will the Water Department be liable for damage for shutting off the water for any Customer either while making repairs to mains or service pipes, or for any violation of the rules and regulations of the Water Department.
6. No Customer shall damage, tamper with, or obstruct any meter which may interfere with the quantity of water being measured by the meter.
7. In the event an Owner directs the Water Department to shut off water service at premises occupied by persons other than the Owner and/or Customer such Owner shall be required to execute a written shut off order to the Water Department which will give the occupant of the premises ten (10) days notice of such shut off and the Owner and/or Customer agrees to hold harmless and indemnify the Water Department for any fees, expenses, damages and costs which may be occasioned by such shut off.

SECTION 9

VIOLATION OF RULES AND NON-PAYMENT OF WATER BILLS

1. If a Customer and/or Owner fails to pay the water bill when due or fails to pay any charges assessed by the Water Department or fails to comply with any rules of the Water Department, the service shall be shut off and discontinued at the premises until all such payments are made in full by the Customer and/or Owner and the rules complied with.
2. The Water Department will postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice the Customer supplies the Water Department with a written medical statement from a licensed physician or public health official which states that disconnection would be a serious and immediate threat to the health or

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safety of a designated person in the household of the Customer. The postponement of disconnection will be continued for only one additional ten (10) day period upon furnishing of an additional medical statement.

3. The Water Department may discontinue water service to a Customer and/or Owner of the premises for non-payment of water charges which are past due and unpaid for a period of at least thirty (30) days. Before water service is discontinued the Water Department shall give written notice to the Customer and/or Owner of its intention to discontinue water service if all the unpaid water charges are not paid before a date specified on the notice. The notice shall be mailed not less than ten (10) days before water service is to be discontinued and addressed to the Customer and/or Owner at their last known address by regular mail. The owner shall have the right to appeal the shutoff action by submitting a written request to the Clerk-Treasurer within 48 business hours of receipt of the shut-off. All action to shut-off service shall be stayed during the appeal period. The Clerk-Treasurer, upon review and discussion with property owner shall have the authority to decide appropriate action to be taken under the circumstances.

4. The Water Department may discontinue water service to a premises when there has been a change in the ownership but no application by the new owner has been made to the Water Department.

5. The Water Department will reconnect the service to the Customer during normal working hours of Monday through Friday, 7:30 am to 3:00 pm; provided however, that the Water Department will not be required to reconnect the service until:

- (a) The conditions, circumstances and practices which caused the disconnection have been corrected.
- (b) Payment of all water charges, reconnection charges and delinquencies owed by the Customer and/or Owner have been made.
- (c) Any and all water charges, reconnection charges and delinquencies owed to the premises as a result of a change in ownership.
- (d) A responsible person is present in the premises on the Customer's behalf to see that all water outlets are closed to prevent damage from escaping water and to allow the Water Department access to obtain a meter reading.

6. If water service would be required to be turned on after normal working hours or holidays, the after hours fee will apply.

7. Serious penalties are also provided by law, (IC 35-43-5-3) which provides that any person who, with the intent to defraud a Utility, shall avoid a lawful charge for the service by scheme or device or by tampering with facilities or equipment of the Utility is guilty of a Class A misdemeanor, and on conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00) and be imprisoned not more than one year.

8. All prior rules of the Water Department in conflict herewith are repealed.

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