

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: GENERAL PROVISIONS REGARDING UTILITIES

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§ 50.01 AUTHORITY TO ESTABLISH UTILITY SERVICE.

A town may furnish or regulate the furnishing of utility service to the public.
(`99 Code, § 9-1)

Statutory reference:

Utility service to the public, see I.C. 36-9-2-15

§ 50.02 AUTHORITY TO ESTABLISH WATERWORKS.

A town may regulate the furnishing of water to the public, and may establish, maintain, and operate waterworks.

(`99 Code, § 9-2)

Statutory reference:

Waterworks, see I.C. 36-9-2-14

§ 50.03 AUTHORITY TO REGULATE THE DISPOSAL OF SANITARY SEWAGE.

(A) A town may regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage, which includes the power to fix the price to be charged for that service.

(B) A town may collect, process, and dispose of waste substances and domestic or sanitary sewage, and may establish, maintain, and operate sewers, sewage disposal systems, and systems to collect and dispose of waste substances.

(`99 Code, § 9-3)

CHAPTER 51: GARBAGE

Section

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Disposal of refuse on beach or park property, see § 94.22

GENERAL PROVISIONS**§ 51.01 PURPOSE OF REGULATIONS.**

(A) In order to promote the health and comfort of the residents and citizens of the town and to preserve and protect the cleanliness of the town and to prevent noxious and offensive odors, or the creation of public or private nuisances, it shall be unlawful for any person, firm or corporation, for hire, to haul or carry on the streets of the town any garbage, refuse or waste without the securing of a permit as herein required and complying with the other provisions of this chapter.

(B) It is further the purpose of this chapter to promote and develop concepts, methods and procedures for assisting in efforts to recycle solid waste in the State of Indiana and to help the State of Indiana meet its goals of waste reduction.

(`99 Code, § 6-120) (Ord. 574, passed 11-4-91)

§ 51.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTAINER. A trash can, garbage can, trash, garbage or recycling container, vessel, bin or any other receptacle used to store garbage, household rubbish, miscellaneous rubbish, ash, waste, discarded matter, recycling or trash or to serve as a receptacle for such matter so that it may be moved to the street, road or street right-of-way or to “the curb” for pick up.

DWELLING UNIT. A dwelling or a portion of a dwelling used primarily as a place of abode for one or more human beings, including single-family residential dwellings, apartment houses, or any dwelling, or a portion of a dwelling used by one family or one or more human beings for cooking, living and sleeping purposes, but not including motels and hotels.

GARBAGE. All organic household kitchen waste, such as rejected or unused food and food residue, and paper necessarily used for wrapping.

HOUSEHOLD RUBBISH. Inorganic, incombustible household waste such as metal cans, metalware, plastic, rubber and kindred product containers, bottles, broken glass, crockery, stoneware and similar refuse resulting from the regular operation of a household, not classed as garbage or miscellaneous rubbish.

MISCELLANEOUS RUBBISH. Combustible rubbish such as papers, boxes, brush and leaves, and any other rubbish or waste resulting from the operation of a domestic or business establishment such as grass clippings, tree trimmings, debris from building construction, repair or remodeling discarded equipment and similar waste.

RECYCLING. A process by which materials that would otherwise become solid waste are collected, separated or processed, and converted in materials or products for reuse or resale.

SCAVENGER. Any person engaging in the work or the business, whether regularly, intermittently, or occasionally, of cleaning or removing garbage, waste, refuse, debris, junk or banded or discarded substance or materials from the streets and alleys of the town. The term shall not include a person regularly engaged in the collection for resale of industrial scrap or salvageable materials.

TRASH. Means and includes tin cans, old iron, brush, boxes, paper, tools, logs, glass, broken glass, glassware of every kind, dead animals, earthenware, stones, rocks, cloth, vegetable and animal waste, soil anything which would ordinarily be classed as trash, junk, rubbish or waste, garbage, bones, and any and all other organic or inorganic material or matter not presently used in the construction, maintenance or repair of a public highway, public ground, or appurtenance thereto.

WASTE HAULER. Any scavenger as defined in this section.
(`99 Code, §§ 6-121, 6-155) (Ord. 357, passed 12-2-63; Ord. 574, passed 11-4-91; Am. Ord. 696, passed 11-7-05)

§ 51.03 DUMPING AND LITTERING PROHIBITED.

It shall be unlawful for any person, firm, or corporation to put, throw, dump, deposit, or leave upon any street or highway, alley, or any other public ground in the town, any trash.
(`99 Code, § 6-156) (Ord. 357, passed 12-2-63) Penalty, see § 51.99

PERMITS

§ 51.15 PERMIT REQUIRED.

Any person, firm or corporation desiring to collect, remove or dispose of garbage, refuse or waste for hire or otherwise to act as a waste hauler or scavenger in the town shall first file with the Town Council an application for a permit. Such application shall be filed at least 45 days prior to the regular scheduled December meeting of the Town Council.
(`99 Code, § 6-125) (Ord. 574, passed 11-4-91)

§ 51.16 APPLICATION REQUIREMENTS.

All applications for obtaining a garbage and refuse permit shall require the following information:

- (A) Full name of applicant or organization;

(B) Business address;

(C) Business telephone numbers;

(D) Type of business entity (sole proprietorship, corporation or partnership);

(E) Names and addresses and respective titles of all participants within the applicant organization;

(1) Sole proprietorship;

(2) Partnership (all partners);

(3) Corporation (all directors and officers).

(F) Year, model and make of each and every vehicle applicant will be using within the town for removal of garbage and waste during the permit period.

(G) A schedule of rates to be charged by the applicant to town residents for garbage and waste removal.

(H) Three business references having no personal relationship with any of the principal participants of the applicant.

(`99 Code, § 6-126) (Ord. 574, passed 11-4-91)

§ 51.17 APPLICATION FEE AND DURATION OF PERMIT.

The initial application fee, which shall accompany all applications, shall be the sum of \$25. All subsequent renewals of the permit shall have a renewal fee of \$10 per year. The permit shall remain effective, unless revoked, for a one-year period with an option to renew for another one-year period.

(`99 Code, § 6-127) (Ord. 574, passed 11-4-91)

§ 51.18 INSURANCE REQUIREMENTS.

Along with the application and initial application fee, each and every applicant shall also submit a current, effective insurance policy, or a copy thereof, providing personal liability and property damage insurance coverage for each and every vehicle to be used by the applicant in conducting the garbage and waste removal operation within the town limits. The insurance coverage shall be in an amount not less than \$1,000,000 for personal injuries per occurrence, and not less than \$50,000 for property damage per occurrence. Failure on the part of the applicant to maintain in effect the insurance coverage during the permit period shall result in the immediate revocation of the permit by the Town Council.

(`99 Code, § 6-128) (Ord. 574, passed 11-4-91)

GARBAGE AND WASTE REMOVAL**§ 51.30 REQUIREMENTS FOR PERMIT HOLDERS.**

(A) Persons who have obtained a permit shall transport garbage, waste and refuse within the town limits only in covered vehicles having metal, watertight bodies which prevent scattering, dripping, littering and/or removal of the contents of the vehicle during transit.

(B) Each and every vehicle as used by a permit holder shall be designed for complete emptying only at a licensed and authorized disposal site.

(C) Each and every vehicle as used by a permit holder shall be maintained in a reasonably clean and sanitary condition and shall be kept in good order and repair.

(D) All garbage and waste removal shall be conducted within the town limits on only one day per week, namely Wednesday. In the event that a state or federal holiday falls on a Wednesday, the collection will be made no later than 24 hours following the regular day of collection.

(`99 Code, § 6-132) (Ord. 574, passed 11-4-91; Am. Ord. 582, passed 8-3-92) Penalty, see § 51.99

§ 51.31 TRANSPORT VEHICLES; SPILLAGE AND DUTY TO CLEAN UP.

(A) *Vehicle requirements.* Any vehicle used by a scavenger shall have a cargo body constructed of metal, of sufficiently tight construction to prevent the leakage or spillage of any liquid or solid therefrom, and shall be completely enclosed except for loading or unloading openings which loading and unloading openings shall be capable of being tightly closed. The openings shall be kept tightly closed when the vehicle is being used to transport collected materials from the place of collection to the place of disposition.

(`99 Code, § 6-133)

(B) *Spillage prohibited.* No waste hauler shall permit garbage or refuse to scatter, drip, fall, spill, blow, litter, leak, or otherwise be removed from the vehicle during transportation of its contents and/or utilize vehicles that are not reasonably clean and/or are not in good order and repair.

(`99 Code, § 6-134)

(C) *Duty to clean up.* The scavenger or garbage collector shall be responsible for cleaning up only that garbage and rubbish which is scattered in the process of conveying the material to his or her truck. It is the sole responsibility of the customer of such scavenger or collector to clean up any garbage which is thrown about by wind, the ravages of animals or by similar means.

(`99 Code, § 6-135) (Ord. 574, passed 11-4-91) Penalty, see § 51.99

§ 51.32 CONTAINER AND RECEPTACLE REQUIREMENTS AND USE.

(A) The owner, occupant or lessee of any premises in the town, upon which shall accumulate any garbage, ash or household rubbish shall provide and maintain in a clean condition and in good repair, adequate containers or receptacles. No such receptacles, containers or drums shall be used which exceed 30 gallons in capacity except as otherwise provided for in this chapter.

(`99 Code, § 6-136)

(B) The use of open containers for food, cans, cartons, or any other materials which will draw flies or other insects is unlawful. Such containers must be tightly covered in metal, durable plastic cans, or other similar materials having the same general properties. If plastic bags are used, they must be securely tied.

(`99 Code, § 6-137)

(C) It shall be unlawful for any residential or business operation or activity to cause any trash, garbage or recycling container, bin or any other receptacle used for the disposal of any matter to be placed along the street, road or street right-of-way prior to the evening of the day before a scheduled trash/ garbage pick-up.

(D) All trash, garbage or recycling containers, bins or other receptacles used for the disposal of any matter shall be retrieved from the side of the street, road, street right-of-way or place by midnight on the day of the scheduled garbage pick-up. Except for the scheduled day of pick-up, all trash, garbage or recycling containers shall be stored in a manner so it is out of view from the street.

(Ord. 574, passed 11-4-91; Am. Ord. 696, passed 11-7-05) Penalty, see § 51.99

§ 51.33 RECYCLING PROGRAM.

(A) Persons who have obtained a permit shall provide for a system of recycling of materials in the following categories. Recycling must, at a minimum, include the collection of these categories:

- (1) Newspapers and paper products;
- (2) Tin cans;
- (3) Aluminum cans;
- (4) Glass jars and bottles;
- (5) Plastic bottles and plastic materials.

(B) All materials picked up under the recycling program must be picked up at curbside in containers provided to the waste hauler's customer by the waste hauler.

(C) All recycling pick-up and removal shall be conducted within the town limits on one day of the week, namely Wednesday. In the event that a state or federal holiday falls on a Wednesday, the pick-up will be made not later than 24 hours following the regular day of collection.
(`99 Code, § 6-120) (Ord. 574, passed 11-4-91)

§ 51.34 RATES.

(A) The rate to be charged for garbage pickup and disposal, including recycling pickup and disposal, is \$77.13 per quarterly billing for each residential structure in the town effective January 15, 2013. Administrative costs of the town including but not limited to, its employees, legal services, postage, insurance, the cost of leaf pickup, disposal and mulching, along with twig and brush pickup are included in the quarterly rate. These fees shall be in effect beginning January 15, 2013 and thereafter.

(B) The garbage pickup and disposal service, including recycling, shall be done by contract on a basis deemed appropriate by the Town Council to an outside entity that, as a regular part of its business, performs the task of garbage pickup and disposal, including recycling pickup and disposal.

(C) From and after September 2006, Able Disposal will be the exclusive waste hauler, without exception, in the town.

(D) (1) The charge set forth in this section is mandatory for all residential structures in the town. All charges assessed in accordance with this section are the responsibility of the owner of the property served. All sanitation service shall be arranged with the town through the property owner of record for each property requiring such service. Quarterly billing will be sent to the property owner of record and may not be sent to or placed in the name of a temporary tenant. It is the responsibility of the property owner of record to supply correct billing address to the town for property owners living off property.

(2) Relief from the provisions of this section may be granted by the Town Council for sanitation service upon submission of a proper request. All such requests must be made in writing by the person seeking such relief and must state the special circumstances that the submitter believes would justify relief. The decision to grant such relief shall be determined by the Town Council for sanitation services. Decisions on such requests, including the grounds for granting or denying such requests, shall be made of record during a regular meeting of the Town Council.

(E) All payments required pursuant to this section shall be invoiced and included in the Town Water Works bills, and on the same interval as the Water Works bills. A 10% penalty shall be assessed on all late payments. The amount of the refuse charge, the penalty and a reasonable attorney fees shall be recovered by the town in a civil action in the name of the municipality in accordance with Indiana law. Additionally, payments or penalties that have been due and unpaid for at least 90 days may be filed as a lien against the real property in accordance with I.C. 36-9-23-33.

(F) The fees set forth in this section are not based solely upon I.C. 36-9-23 *et seq.* Separate and independent authority for these fees is in accordance with the home rule statutes contained in the Indiana Code for the purposes previously stated.

(G) In the event a residence desires to have garbage/refuse/trash or other acceptable items picked up outside of the contractual obligation of Able Disposal, the town will, in its discretion, pick up the items for a charge of \$25 per backhoe or tractor bucket. The town may, in its sole discretion, refuse to pick up items or amounts it deems unacceptable.

(Ord. 702, passed 6-5-06; Am. Ord. 735, passed 6-1-09; Am. Ord. 751, passed 5-2-11; Am. Ord. 798, passed 4-7-14; Am. Ord. 799, passed 4-7-14)

ADMINISTRATION AND ENFORCEMENT

§ 51.45 REVOCATION OR SUSPENSION OF PERMIT FOR VIOLATION.

Permitting garbage, waste or refuse to scatter, drip, fall, spill, blow, litter, or otherwise be removed from the vehicle during transportation of its contents and/or utilizing vehicles that are not reasonably clean and sanitary and/or are not in good order and repair shall be prohibited and declared as being public nuisances. The Town Council may immediately revoke or suspend a permit for failure to strictly comply with the foregoing requirements.

(`99 Code, § 6-145) (Ord. 574, passed 11-4-91)

§ 51.46 APPEAL PROCEDURES.

If a permit is revoked or suspended by the Town Council, the permit holder has a right to appeal said revocation or suspension before the Town Council at its regularly scheduled monthly meetings, provided the permit holder gives written notice of the appeal to the Town Council President no less than 15 days prior to the Town Council's monthly meeting date.

(`99 Code, § 6-147) (Ord. 574, passed 11-4-91)

§ 51.99 PENALTY.

(A) Any person, firm or corporation violating any of the terms of this chapter shall be subject to a minimum fine of \$25 if paid to the Clerk-Treasurer within five days of the violation and/or five days of the issuance of a citation; and thereafter shall be subject to a fine of \$100 for the violation if docketed with the Porter County Courts.

(B) Every day that any violation of any provision of this chapter occurs or continues shall constitute a separate offense.

(C) Any violation of the container requirements and use regulations of this chapter shall constitute a nuisance and the penalty provisions of the Nuisance Code provisions may be applied.

(D) Any person, firm or corporation violating the terms of this chapter shall reimburse the town for any damages sustained by reason of such violations. This section shall not be construed to limit the remedies of the town for violations of the terms of this chapter but shall be construed to supplement any existing remedies available to the town.

(`99 Code, § 6-157) (Ord. 574, passed 11-4-91; Am. Ord. 655, passed 12-6-99; Am. Ord. 696, passed 11-7-05)

CHAPTER 52: WATER

Section

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- 52.16 Fire protection service charge
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- 52.18 Payment of charges
- 52.19 Discontinuance of service
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Department of Waterworks

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GENERAL PROVISIONS

§ 52.01 WATER MAIN EXTENSIONS.

(A) *Written application required.* Anyone desiring municipal water service shall make written application to the Waterworks. Included with the application shall be one copy of a water service

agreement including the location of the water line, size, depth, and composition. The application shall also set forth the location of the septic system servicing the applicant, driveway, and any other utilities, buried pipe or cable. All water main extensions must have the approval of the Town Engineer, and Ogden Dunes Waterworks Board.

(`99 Code, § 9-35)

(B) *Building permit.* The Building Commissioner shall not issue a building permit until the Waterworks has determined that water service is available to the structure applied for in the application.

(`99 Code, § 9-36)

(C) *Specifications and requirements for main extensions.*

(1) *Generally.* All mains shall be laid according to specifications and upon and under conditions approved by the utility. Any main laid and connected to the water system shall immediately become the property of the utility.

(2) *Existing mains.* In addition to the procedure outlined for main extensions, in division (A) of this section, water main extensions which have been previously laid by subdividers or other persons may be connected to the water mains of the water utility and become the property of such utility when the following conditions have been complied with:

(a) When the water main extension meets the minimum standards required by the water utility as to size and quality of construction and is so certified by the Town Engineer in writing;

(b) When the water main extension shall have been completely paid for and no mechanics', materialman's, or other liens can possibly attach thereto, and 60 days shall have elapsed since the final completion thereof;

(c) When it shall be deemed by the Town Council, upon recommendation of the Utility Service Board to be to the advantage of the water utility to join such main extension to the Waterworks system of the utility.

(3) *Ownership of existing mains.* When such main extension of any sub-trunk or further extension thereof is connected to the waterworks system of the town, it shall immediately become the property of the town.

(4) *Cost of extending town mains and service laterals.* All costs involved in extending waterworks mains and service laterals to the property to be served shall be the responsibility of the person desiring the service. All issues involving main extensions will be decided by the Ogden Dunes Waterworks Board on a case by case basis.

(`99 Code, § 9-37) (Ord. 543, passed 3-6-89)

§ 52.02 TEMPORARY WATER SERVICE PROCEDURES.

(A) *Mandatory compliance.* Any person desiring a temporary connection to the water service utilities of the Department of Waterworks shall be allowed to connect to the water service only after complying with the following procedures.

(`99 Code, § 9-40)

(B) *Application.*

(1) Application shall be made by the person desiring the connection at the office of the Clerk-Treasurer upon forms supplied by the Department of Waterworks.

(2) The form shall provide for the name, address, and signature of the person making application, the reason a temporary connection is desired, the exact location of the desired connection, the duration that the connection will be maintained, a statement that all actual expense incurred by the Department of Waterworks in allowing the connection or in damage resulting therefrom will be borne by the applicant, and such other information as might be required by the Department of Waterworks.

(`99 Code, § 9-41)

(C) *Deposit required.* The application shall be accompanied by a deposit of cash or a certified check payable to the Department of Waterworks in the amount of \$200, which shall be deposited and held by the Department and ultimately disposed of in accordance with division (E) below of this section.

(`99 Code, § 9-42)

(D) *Role of Superintendent of Department of Waterworks.*

(1) The application shall thereupon be delivered to the Superintendent of the Department of Waterworks who shall determine if the application is complete and contains all of the necessary information and shall further determine whether the application can be approved without risking damage or a loss of service to the property or water system of the Department of Waterworks. The application may then be approved, approved with conditions, or disapproved by the Superintendent. Upon approval or approval with conditions, a permit shall be prepared and delivered to the applicant by the Superintendent with such conditions affixed thereon as might be appropriate.

(2) In all cases the physical presence and supervision of an employee of the Department of Waterworks shall be required during connections and disconnection to the water service of the Department.

(`99 Code, § 9-43)

(E) *Other charges.*

(1) In the event that the application is disapproved, the deposit shall be returned to the applicant within five days of such disapproval. In the event that the application is approved, the deposit less

charges shall be returned within five days following disconnection from the water service, the charges shall be as follows:

(a) The sum of \$25 for issuance of the permit including labor in supervising the connection and disconnection of the tap;

(b) The charge for water usage based upon the then prevailing rates and charges for other customers of the Department of Waterworks based upon metered usage if available or estimated usage if a metered reading is not available, but in no event shall the charge for water usage be less than \$25; and,

(c) A charge for any physical damage to property of the Department of Waterworks caused by the applicant in an amount equal to the actual cost of repair if such repair is possible to said damaged property or its replacement cost if irreparable.

(2) All sums not returned to the applicant shall be retained by and be the property of the Department of Waterworks.

(F) *Disconnections and damages.* Any connection made to the water service utility of the Department of Waterworks not in accordance with lawful authority may be summarily disconnected by the Department of Waterworks and damages sought against the person making the connection in an amount determined as though a permit had been obtained and further including reasonable attorneys fees incurred obtaining the damages.

(`99 Code, § 9-45) (Ord. 502, passed 7-11-83)

RATES AND CHARGES

§ 52.15 QUARTERLY USAGE RATES; MINIMUM PAYMENT.

(A) The following charges of water and water services funded by the Department of Waterworks are established:

<i>Monthly Usage Rates</i>	
First 12,000 gallons	\$5.96 per 1,000 gallons
Next 12,000 gallons	\$4.64 per 1,000 gallons
Next 30,000 gallons	\$4.04 per 1,000 gallons
Over 54,000 gallons	\$3.76 per 1,000 gallons

(`99 Code, § 9-50)

(B) The minimum quarterly payment shall be \$51.05 per meter, regardless of the meter size (based on a minimum consumption of 8,570 gallons per quarter).
(`99 Code, § 9-51) (Am. Ord. 710, passed 1-8-07; Am. Ord. 796, passed 6-2-14)

§ 52.16 FIRE PROTECTION SERVICE CHARGE.

(A) The public fire protection service costs of waterworks will be included in the basic rates and charges of, and paid for by, all customers of the waterworks.
(`99 Code, § 9-10)

(B) The change in recovery of public fire protection service costs by the Department of Waterworks authorized in division (A) above shall be reflected in a new schedule of rates, which schedule shall be established by the Department of Waterworks, approved by the Board of Directors of the Department of Waterworks and filed by the waterworks with the UIRC at least 30 days before the time for the effective date specified in division (A) above.
(`99 Code, § 9-11)

(C) Pursuant to the Act and the Order of the UIRC, the new schedule shall:

(1) Eliminate public fire protection service costs billed directly to the town, other than in metered rates applicable to all customers and other than hydrant construction costs for new hydrants installed on or after December 31, 1993; and,

(2) Increase the rate charged each customer of the waterworks, based on equivalent meter size by an amount equal to the revenues lost from the elimination of such public fire protection service. Costs billed directly to the town, divided by the number of equivalent $\frac{5}{8}$ -inch meters in service at the time the new schedule is established.
(`99 Code, § 9-12)

(D) All new public fire hydrants installed or constructed by, or at the request of the town, the township, Porter County, or other governmental unit shall be paid for by the town.
(`99 Code, § 9-13)

(E) The Board of Directors of the Department of waterworks is authorized and directed to establish rules governing the payment of fire hydrant installation and construction costs by or on behalf of the town.
(`99 Code, § 9-14)

(F) Fire protection service shall be added to the basic rate of all customers of the waterworks on a quarterly billing cycle and recovered based on meter size as follows:

Ogden Dunes - Public Works

<i>Meter Size</i>	<i>Rate per Quarter</i>
5/8-inch—3/4 -inch	\$15.46
1-inch	\$21.64
1 1/2-inch	\$27.82
2-inch	\$44.83

(`99 Code, § 9-52) (Ord. 595, passed 11-1-93; Am. Ord. 648, passed 9-15-98; Am. Ord. 710, passed 1-8-07; Am. Ord. 796, passed 6-2-14)

Statutory reference:

Construction cost of fire hydrants, see I.C. 8-1-2-103(d)

§ 52.17 TAPPING CHARGE.

The Board of Directors of the Department of Waterworks has a policy of tap connections being a minimum of 1-inch meters and lines. All other tap connections shall be charged on a time and material cost basis.

(`99 Code, § 9-53)

§ 52.18 PAYMENT OF CHARGES.

(A) All bills on the above schedule shall be rendered and due quarterly. A due date shall be set forth in the bill. In the event the bill is not paid by the due date, a 10% late payment fee shall be assessed on all water charges. In addition, a \$27.50 charge for returned checks shall apply plus all bank charges and fees resulting from the returned check. The charge set forth in this section is mandatory for all residential structures in the town. All charges assessed in accordance with this section are the responsibility of the owner of the property served. All water service shall be arranged with the town through the property owner of record for each property requiring such service. Quarterly billing will be sent to the property owner of record and may not be sent to or placed in the name of a temporary tenant. It is the responsibility of the property owner of record to supply correct billing address to the town for property owners living off property.

(B) Relief from the provisions of this section may be granted by the Waterworks Department for water service upon submission of a proper request. All such requests must be made in writing by the person seeking such relief and must state the special circumstances that the submitter believes would justify relief. The decision to grant such relief shall be determined by the Water Board. Decisions on such requests, including the grounds for granting or denying such requests, shall be made of record during a regular meeting of the Water Board.

(`99 Code, § 9-54) (Am. Ord. 710, passed 1-8-07; Am. Ord. 797, passed 5-5-14)

§ 52.19 DISCONTINUANCE OF SERVICE.

Whenever service is turned on or turned off at the request of the customer more often than once in a 12-month period, a charge of \$10 shall be made by the Waterworks.
(`99 Code, § 9-55)

§ 52.20 RECONNECTION CHARGE.

When a customer's service is turned off for nonpayment of a water bill, a charge of \$35 shall be made prior to reestablishment of service.
(`99 Code, § 9-56)

§ 52.21 TEMPORARY SHUT OFF.

Any user desiring for his or her convenience a shutting off of the water supply to his or her premises for a period of 30 days or more may make application therefore to the Clerk-Treasurer at least 15 days prior to the date on which he or she desires the water shut off, specifying the date on which the supply is to be turned off and the approximate period during which service is to be suspended. When any such user desires his or her water service reinstated again, he or she shall make application therefore to the Clerk-Treasurer at least 15 days prior to the date on which he or she desires the water to be turned on. A charge of \$6.90 shall be made for each act of disconnecting or reinstating the water service at the request of any such user and there shall be a minimum charge of \$3.45 per month during the period of suspended service, which period may not exceed six months during any one calendar year.
(`99 Code, § 9-57)

§ 52.22 REVIEW OF RATES AND CHARGES.

No free water shall be supplied to any premises. The foregoing schedule of rates and charges shall be revised from time to time to be sufficient at all times, after making due and reasonable allowances for contingencies and for a margin of error in the estimates, to pay the interest on and principal of the water revenue bonds from time to time outstanding, as such interest and principal become due and payable, to pay all current expenses of operation, maintenance and repair of the municipal waterworks, to comply in all respects with the terms of the ordinance pursuant to which the water revenue bonds are being issued and to meet any other obligations of the town which are charges, liens, or encumbrances upon the revenues of the municipal waterworks.
(`99 Code, § 9-58) (Ord. 341, passed 2-20-61)

DEPARTMENT OF WATERWORKS**§ 52.35 INCORPORATION OF STATE LAW.**

The provisions of I.C. 8-1.5-4-1 through 8-1.5-4-19, are adopted by the town and the provisions are hereby incorporated herein by reference to the same effect as if the same were fully set forth herein. ('99 Code, § 9-19) (Ord. 500, passed 5-2-83)

§ 52.36 DEPARTMENT OF WATERWORKS DESIGNATED.

The Department of Water heretofore existing within the town is redesignated the Department of Waterworks of the town. ('99 Code, § 9-18) (Ord. 500, passed 5-2-83)

§ 52.37 BOARD OF DIRECTORS; POWERS AND DUTIES; COMPENSATION.

(A) The Department of Waterworks of the town shall be controlled by a Board of Directors which shall consist of three directors, not more than two of whom may be of the same political party.

(B) As each initial term expires, a replacement Director shall be appointed for a full three-year term. ('99 Code, § 9-20)

(C) The Board of Directors shall have such powers and duties as prescribed by law now or hereafter existing. ('99 Code, § 9-21)

(D) The compensation to be paid to each director shall be the sum of \$200 per year. The directors shall each post bond, which shall be fixed by the Clerk-Treasurer and be subject to his or her approval. ('99 Code, § 9-23) (Ord. 500, passed 5-2-83)

§ 52.38 FUNDS AND ACCOUNTS.

Upon the election and qualification of the Directors and the creation of the Waterworks Department, it shall be the duty of the Board to receive and collect all revenues due or becoming due to the Department of Waterworks, and to disburse the revenue into the respective fund as herein provided.

(A) *Waterworks Operation and Maintenance Fund.* There is created a fund to be known and designated the Waterworks Operation and Maintenance Fund. It is determined that the revenue of the Waterworks Department shall be deposited in this fund for reasonable and proper operation and maintenance of the waterworks.

(1) The Board of Directors of the Waterworks Department, from the Waterworks and Maintenance Fund is empowered to pay all expenses incurred for the operation and maintenance of the waterworks system and the Board of Directors of the Waterworks Department, shall make monthly accounting and reports to the Clerk-Treasurer of all funds. The Board of Directors of the Waterworks Department shall deposit with the Clerk-Treasurer any funds other than those in the Waterworks Operation and Maintenance Fund so collected by it during such month, until such time as the same may be ordered paid out by the Board of Directors of the Waterworks Department. By authority of the Board of Directors of the Waterworks Department any excess of the waterworks Operation and Maintenance Fund may be transferred to the Depreciation Account.

(2) The Board of Directors of the Waterworks Department shall not pay claims from the Waterworks Operation and Maintenance Fund of the Waterworks Department until any person, firm, or corporation seeking to collect any claim shall furnish sufficient and reasonable proof of the validity and reasonableness of such claim on forms required by the Board of Directors of the Waterworks Department, or the statutes of the State of Indiana. Such Board shall keep all funds belonging to the Waterworks Operation and Maintenance Fund on deposit in a reputable banking institution and shall require of such banking institution reasonable indemnity against loss or misappropriation of such funds or any part thereof. No payment of any nature shall be made from such funds except upon order of the Board, signed by a majority of the members thereof.

(B) *Waterworks Depreciation Fund.* There is created a special fund to be known and designated as the Waterworks Depreciation Fund. All funds at any time held in the Waterworks Depreciation Fund may be expended from time to time to pay the cost of renewals and replacements to the waterworks and balance therein not required for such renewals and replacements may be expended to pay the cost of new construction, extensions, or additions to the waterworks.

(Ord. 474, passed 6-2-98)

(C) All the funds of the several accounts shall be deposited in lawful depositories and shall be continuously held and secured as provided by the laws of the State of Indiana.

(`99 Code, § 9-24) (Ord. 345, passed 1-6-61)

§ 52.39 ANNUAL BOARD REPORTS TO TOWN COUNCIL.

In addition to the accounting and reports required to be submitted to the Clerk-Treasurer herein, the Board of the Department of Waterworks shall make periodic reports of the activities of the Board of the Department of Waterworks to the Town Council at reasonable and appropriate intervals, but in no event shall such reports be made less than annually, as required by the Indiana Utility Regulatory Commission.

(`99 Code, § 9-26) (Ord. 345, passed 11-6-61)

§ 52.40 EXISTING RIGHTS, POLICIES AND PROCEDURES.

To the extent permitted by law, rights or liabilities heretofore accrued, penalties incurred, offenses committed, proceedings begun, policies and procedures established funds created, and expenditures made or authorized shall not be affected by the passage hereof.

(`99 Code, § 9-22) (Ord. 500, passed 5-2-83)