

ORDINANCE NO. 1988- 2

AN ORDINANCE DETERMINING RULES AND REGULATIONS  
FOR THE WATER UTILITY OWNED AND OPERATED BY  
THE TOWN OF FORT BRANCH

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BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FORT BRANCH, INDIANA, AS FOLLOWS:

SECTION 1: The words "water company", wherever the same appear herein, shall mean the Fort Branch Water Utility. The word "consumer", wherever the same appears herein, shall mean the person, firm, corporation or association having an interest, either as tenant or occupant, in any premise which is, or is about to be, supplied with water service by the water company.

SECTION 2: The following rules, regulations, rates and tariffs shall be a part of the contract with every consumer who uses water supplied by the water company and every consumer shall be considered to have expressed consent to be bound hereby. All consumers on private water lines, including those outside the corporate limits of the Town of Fort Branch, shall be under the same rules and regulations as those on water lines owned by the water company; provided however, that these rules and regulations shall not apply to special contracts for the sale of untreated water from the water lines of the water company before reaching its filtration plant.

SECTION 3: Every premise shall have a separate service connection and more than one premise shall not be furnished with service from on such connection, except in cases where, in the discretion of the water company, conditions make this impossible or impractical, in which event the water company may permit the use of one service connection for more than one premise, but in each case subject to such requirements and conditions as the water company may prescribe.

No premise shall have more than one service connection, excepting only in cases where, in the discretion of the water company, the conditions affecting such premise make it impossible or impractical to furnish proper water service thereto through one

service connection, in which event the water company may assent to the installation and use of more than one such connection, but in each such case subject to such requirements and conditions as the water company may prescribe.

Each premise shall have a shut-off valve or no connection shall be made to any premise constructed after date of this ordinance.

SECTION 4: Where there is a single owner of a building occupied by more than one family living in different parts of the building and there is but one service connection for the different parts of the building, such building will be supplied through one meter. The applicant for such a meter shall pay for all water passing through the meter.

SECTION 5: In case of misrepresentation by a consumer, the use of water not embraced by the consumer's contract, willful or unreasonable waste of water, the use of water in connection with any premise other than that covered by the consumer's contract, interference or tampering with the meter, service pipes or appliances required by the water company for controlling and regulating water supply, failure to pay water charges when due, or the violation of any of the rules and regulations herein contained, a consumer's water service may be shut off and discontinued. When the water company has turned off the water of any consumer, such consumer shall not turn it on, or permit it to be turned on, without the express consent of the water company. Wherever the water supply for any premise has been shut off, the same shall not be turned on until the cause, or causes, of such shut-off have been remedied and satisfactory assurance given to the water company that such cause will not again be allowed to exist by the consumer. The sum of Twenty Dollars (\$20.00) shall be paid to the water company for turning on the water supply.

SECTION 6: It shall be the duty of every consumer to exercise due diligence to prevent waste of water. Allowing water to run on any premise in order to prevent freezing, and the sprinkling of streets, roads, lawns or grounds contrary to the provisions of these rules shall be deemed to be such waste of

water as to authorize the water company to shut-off the consumer's water supply. Sprinkling may be restricted or prohibited for any cause deemed sufficient by the water company. Sprinkling during a fire in the vicinity of a consumer's premises is prohibited, unless such sprinkling is for protection against such fire.

After such notice to a consumer of a water leak, if the same be not promptly repaired, service may be shut off, or repairs may be made by the water company, and all expenses, including a fee of Twenty Dollars (\$20.00) for turn-on service, shall be paid by the consumer before service is renewed. Turn-ons shall be made during regular office hours of the water company.

SECTION 7: All consumers shall be required to receive water service through meters. The water company will furnish the water meters and will maintain the meters at the expense of the water company. The water company shall determine the size of all meters to be installed and shall set the meters in location selected by it. In no event shall the water company be held responsible for the adequacy or inadequacy of the size selected. After a meter has been set, it shall not be moved or disturbed without the express permission of the water company. A charge will be made for all water passing through a meter, whether used or wasted. The quantity of water recorded by a meter shall be conclusive on both the water company and the consumer, except when the meter has been found defective or ceases to register. If a meter gets out of order and fails to register, the consumer will be charged during such failure on the basis of the average daily consumption as shown by the meter while it was in good order. In case of damage to a meter by a consumer, the consumer shall pay to the water company the cost of repairing such meter, on presentation of an itemized statement. In case of theft or total destruction of a meter by a consumer, the consumer shall pay the water company the full value thereof. On all metered water service, each month shall be a complete period in itself and no excess consumption of water during one month shall be charged against the minimum rate or be added to the consumption of any other month or months.

In the event the water company is unable to read the consumer's meter during a month and an estimate water usage is made by the water company, the consumer shall be given credit for a minimum of 3,000 gallons per month for the estimated period.

SECTION 8: There will be no abatement of water rated, in whole or in part, by reason of extended absence of a consumer, or for any other cause, unless the water has been turned off to the end that the water rates may be abated, shall notify the water company to turn off the water and from the time of such notice until the water shall be turned on at the consumer's request, the water rates shall abate.

SECTION 9: The water company, in every instance, reserves the right to prescribe the size and type of service connection, either upon the original installation of a new connection or upon the renewal or replacement of an old connection. All service lines must be laid with sufficient wave to prevent rupture by settling of the street. Service lines must be placed at least three (3) feet below the established street grade and so protected as to prevent injury by freezing. All consumers shall have their plumbing fitted with a stop cock at a convenient place, on the building side of the curb cock, so as to shut off water service in case of accident or extreme cold weather, and it is expressly stipulated and agreed that no claim shall be made against the water company by reason of the breaking of any service pipe or cock.

Service clamps must be used for all taps with lead or neoprene gaskets on all steel pipe mains three (3) inches in diameter and under, and copper pipe connections at least thirty (30) inches long are required where steel pipes are used. The above shall also apply where transite mains are used. Tapping sleeve and valve must be used when connecting to the water company main which feeds the City. One, style 63, type 4, Dresser expansion joint for absorbing concentrated longitudinal pipe movements must be placed in every one thousand (1,000) feet of pipe laid.

All work done, whether in the street or on private property, shall be left uncovered, and all extensions made or fixtures installed shall be inspected by the superintendent of the water company, or by some person authorized by him, before the lines are covered or the water turned on, except to test the lines. Upon the completion of any job, and before the water is turned on, the plumber shall make a report to the water company of the work performed and extensions made.

SECTION 10: Steam boilers taking a water supply directly from the service lines and depending on the hydraulic or hydrostatic pressure of the system of the water company to supply such boiler under working pressure will do so at the risk of the the parties making such attachments and the water company will not be responsible for any accidents or damages therefrom.

House boilers, for domestic use, must, in all cases, be provided with vacuum valves to prevent collapsing when the water is cut off from the distributing pipes and the water company will, in no event, be responsible for accidents or damages resulting from the imperfect action of said valves.

SECTION 11: It is expressly stipulated that the water company shall not be liable for any damages done resulting from the breaking of, or defect in, any of the consumer's lines or appliances.

SECTION 12: Every premises connected with the water company system shall, at all reasonable times, be open to the employees of the water company for the purpose of installing or reading meters, inspecting the property and premises and the connections and water fixtures or appliances therein, for repairing or replacing any water pipes, meters or appliances, or while otherwise properly engaged in the service of the water company. Said employees shall be identified by a badge or by a certificate signed by the superintendent of the water company and the water supply to or for any premise may be shut off, upon five (5) days written notice prior thereto, where any person so engaged and

identified is refused admittance to the premises or hindered in the performance of his duties.

SECTION 13: The curb cock on connections shall not be used by consumers for turning on or shutting off the water supply. consumers shall not cover up or interfere with any curb or valve box.

SECTION 14: In case of accidents, breakdowns, shortage of water supply, or any other cause, including acts or omissions of employees of the water company, the water company reserves the right to shut off the water supply from any premise, or premises, without notice. In such event the water company shall not be liable for any consequences of such shut off. The water company will give notice, in the manner deemed by it to be most effective, of any shut off of the water supply but, the giving of such notice shall in no event be deemed to be required. When the water supply is shut off in accordance with this section, consumers shall not be entitled to any abatement or deduction in their water service charges as a result of such shut off. The water company will make reasonable effort to give continuous and uninterrupted service, but the water company in no way guarantees such service and it shall under no circumstances be liable for interruptions to service.

SECTION 15: All fire protection systems shall be confined within the building or on the premise named in the application, and where two or more connections are made for one building or premise, they shall be kept separate, unless special permission is obtained from the water company to connect the same in a manner to be approved by it. Any fire protection system supplied with water from the water company service shall be supplied exclusively with such water, and no connection will be allowed with any other system drawing its supply from any other source, whereby the water company supply might be contaminated by the failure to close valves or by leaking check valves. All fire protection systems shall be subject to inspection by the water company from time to time and the consumer shall give inspectors all reasonable facilities for making the inspections, and any information concerning the same that the inspectors may need. In

any case where the consumer is found to be using water from a fire protection system for purposes other than fire protection, or fails to comply with any of the rules of this section, the service shall be discontinued and the water shut off from the same, and the consumer shall thereupon immediately be and become liable to the water company for the sum of Two Hundred Dollars (\$200.00) as compensation to the water company for any and all damages sustained by it for such wrongful use of its water supply, or for failure to comply with such rules. In such event, the fire service shall be resumed and reopened only after such sum of Two Hundred Dollars (\$200.00) shall have been paid, and the cause of complaint entirely removed. A second violation of this rule will again make the consumer immediately liable to the water company for a second sum of Two Hundred Dollars (\$200.00), and will be sufficient cause for cutting the service off at the main, and refusing to reconnect the same while the offender occupies the premises.

The water company reserves the right, at any time, to install on any fire protection system, at the cost and expense of the consumer, a meter, and upon five (5) days written notice to the consumer of its intention to do so, the consumer shall pay to the water company the amount of the water company's estimate of the cost of installing the same, and in the event of failure to pay the estimate of the cost of installing the same as aforesaid, within the time set forth and specified in the notice aforesaid, the water company shall have the right to discontinue its service and to shut off the water supply from said fire protection system without further notice.

Whenever a fire protection system is to be tested under the regulations of the fire insurance underwriters, the consumer must notify the water company in writing of such proposed test, naming the day and hour when the same is intended to be made, so that, if desired, the water company may have an inspector present during the test.

SECTION 16: Permits for use of water from public hydrants or plugs for any purpose other than for fire protection will not be

granted by the water company except in cases where such use is deemed by the water company to be urgent and other means of obtaining water are not available; and all permits granted shall be revocable at the pleasure of the water company. No person or persons other than members of the Fire Department for the uses and purposes of said Department, and persons authorized by the water company shall open any public hydrant or plug, or attempt to draw water from the same, or use any water drawn from the same, or in any manner interfere with any such hydrants or plugs.

SECTION 17: No consumer may be permitted to connect onto a private water line without written permission of the water company. The water company shall determine the number of consumers who may connect to any private line.

SECTION 18: Any notice in these rules provided for shall be deemed to have been properly served if left upon the premises of the consumer, or if mailed to the consumer at the consumer's address as shown on the records of the water company.

SECTION 19: If any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications and to this end the provisions of this Ordinance are severable.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF FORT BRANCH, INDIANA THIS 6 DAY OF July, 1988.

BOARD OF TRUSTEES OF THE TOWN  
OF FORT BRANCH, INDIANA

Bob L. Parker  
BOB L. PARKER, President

Faye Neufelder  
FAYE NEUFELDER, Member

Stan May  
STAN MAY, Member

ATTEST:

Juanita Dunkel  
JUANITA DUNKEL, Clerk-Treasurer