

TITLE 18
UTILITIES

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Chapters:

- 18.02 Indiana Utility Regulatory Commission
- 18.04 Water and Sewage Service Zone within 4 Miles of Town
- 18.05 Utility Receipts Tax
- 18.06 Water rules, regulations, and charges
- 18.07 Water user's agreement
- 18.08 Water Management (Conservation and Shortages)
- 18.09 Water purchase contract from Tennyson
- 18.16 Sewer system
- 18.20 Sewage Rates and Charges
- 18.51 Granting John Owen, the right to operate, maintain, transport and distribute natural gas
- 18.55 Granting natural gas franchise to Community Natural Gas Company, Inc.
- 18.62 Granting Cumberland Telephone and Telegraph Company the right to erect poles and lines for communication
- 18.64 Granting Luce and Ohio Township Telephone Company the right to construct and maintain poles, wires and cross arms for telephone exchange

Chapter 18.02

INDIANA UTILITY REGULATORY COMMISSION

Sections:

18.02.010 Removal from IURC jurisdiction

18.02.010 Removal from IURC jurisdiction. The Town of Gentryville and the Gentryville Water Utility Board, Spencer County, Indiana, wish to be removed from the jurisdiction of the Indiana Regulator Commission.

As of, final signature, of this ordinance Gentryville municipality and utility will no longer need subject of approval for issuance of stocks, bonds, and notes, or other evidence of indebtedness or for the approval of rates and charges. (Ord. 3-94, Aug. 17, 1994)

Chapter 18.04

WATER AND SEWAGE SERVICE ZONE WITHIN 4 MILES OF TOWN

Sections:

18.04.005	Authority
18.04.010	Definitions
18.04.020	Water Service Zone
18.04.030	Entities Prohibited from Furnishing Water, except as noted below
18.04.040	Sewage Treatment or Disposal Service Zone
18.04.050	Entities Prohibited from Furnishing Sewage Treatment or Disposal, except as noted below
18.04.060	Not Applicable to Those Currently Connected to Another Utility
18.04.070	Not Applicable if the Area is Within the Zone of Another Jurisdiction as Designated
18.04.080	Written Consent to Other Entities, After Consultation, May be Provided by the Town Council
18.04.090	The Town shall not be Compelled to Provide Service within the Prohibited Zone.

18.04.005 Authority. Indiana Code 36-9-2-18 authorizes towns to exercise exclusive dominion to provide water and sewage within a four mile radius of Town limits; (Ord. 2014-02, Whereas, Jan. 8, 2014)

18.04.010 Definitions.

- (1) Entity/Entities: Both terms shall include any other provider of utilities, but shall not include an individual landowner who provides water through a personal well or who maintains a septic system in accordance with other ordinances and laws of the state.
- (2) Prohibited Zone: The area within town boundaries and those areas within a four (4) mile radius of the town boundaries. (Ord. 2014-02, S1, Jan. 8, 2014)

18.04.020 Water Service Zone. The Town of Gentryville does hereby exercise authority to regulate the furnishing of water to the public within town boundaries as well as all areas within a four (4) mile radius of town boundaries in accordance with IC 36-9-2-14 and 36-9-2-18. (Ord. 2014-02, S2, Jan. 8, 2014)

18.04.030 Entities Prohibited from Furnishing Water, except as noted below. Except as noted below, all other entities are prohibited from furnishing water within the Prohibited Zone. (Ord. 2014-02, S3, Jan. 8, 2014)

18.04.040 Sewage Treatment or Disposal Service Zone. The Town of Gentryville does hereby exercise authority to regulate the furnishing of sewage treatment or disposal within town boundaries as well as all areas within a four (4) mile radius of town boundaries in accordance with IC 36-9-2-17 and 36-9-2-18. (Ord. 2014-02, S4, Jan. 8, 2014)

18.04.050 Entities Prohibited from Furnishing Sewage Treatment or Disposal, except as noted below. Except as noted below, all other entities are prohibited from furnishing sewage treatment or disposal within the Prohibited Zone. (Ord. 2014-02, S5, Jan. 8, 2014)

18.04.060 Not Applicable to Those Currently Connected to Another Utility. The prohibition and regulation herein listed does not apply to structures or outlets that are currently connected to another utility for provision of the above listed services. (Ord. 2014-02, S6, Jan. 8, 2014)

18.04.070 Not Applicable if the Area is Within the Zone of Another Jurisdiction as Designated. The prohibition and regulation herein listed does not apply to structures or outlets that are within an area that is within the zone of another jurisdiction that has previously and properly exercised an exclusion of other providers in accordance with the laws and regulations of this state. (Ord. 2014-02, S7, Jan. 8, 2014)

18.04.080 Written Consent to Other Entities, After Consultation, May be Provided by the Town Council. The Town Council may provide express written consent to other entities to provide water and sewage services within the above described zone after consultation with the respective utility superintendent and upon finding that such will not compromise the town's ability to maintain its utility operations. (Ord. 2014-02, S8, Jan. 8, 2014)

18.04.090 The Town shall not be Compelled to Provide Service within the Prohibited Zone. Nothing in this chapter shall compel the Town or its municipal utilities to provide either water or sewage services within the Prohibited Zone. (Ord. 2014-02, S9, Jan. 8, 2014)

Chapter 18.05

UTILITY RECEIPTS TAX

Sections:

18.05.010	Municipal Waterworks
18.05.020	Utility Receipts Tax
18.05.030	Rate Study
18.05.040	Adjustment to water rates and charges
18.05.050	Notice to Customers

18.05.010 Municipal Waterworks. The Town of Gentryville, Indiana has heretofore established and financed a municipal waterworks pursuant to I.C. §8-1.5, and other applicable laws. (Res. 2022-02, Preamble, July 5, 2022)

18.05.020 Utility Receipts Tax.

- (1) The Indiana General Assembly passed and the Governor signed House Enrolled Act 1002-2022 (“HEA 1002”), repealing I.C. §6-2.3-1-1 et seq., imposing the Utility Receipts Tax (“URT”) and adding I.C. §8-1-2-4.3 requiring that the Town “adjust the utility’s rates and charges to reflect the repeal” of the URT, effective July 1, 2022.
- (2) The URT is not separately collected by the Town as a line item in its utility billing, but the anticipated revenues and payments of the URT are a part of the general rate structure established by the Town’s past rate studies.
- (3) The URT is a de minimus component of the Town’s water rates, comprising approximately 1.4% of the Town’s annual water budget. (Res. 2022-02, Preamble, July 5, 2022)

18.05.030 Rate Study.

- (1) The Town has not conducted a rate study to determine reasonable and just rates and charges for services since 2019.
- (2) The costs of operating the Town’s water utility and performing necessary capital improvements has increased substantially since 2020, and the Town is anticipating a rate study and adjustment to its water rates in 2023.
- (3) The Town Council is of the information and belief that conducting a rate study solely to reflect the impact of the repeal of the URT would not be cost-effective at this time, and likely would result in a net increase to the rates and charges for services to customers of the water utility.

- (4) The Town cannot comply with the requirements of HEA 1002, insofar as the completion of a rate study, conduct of a properly-noticed public hearing and two (2) readings of an Ordinance to adjust the Town's water rates could not be completed and effective on or before July 1, 2022 as required by HEA 1002. (Res. 2022-02, Preamble, July 5, 2022)

18.05.040 Adjustment to water rates and charges. The Town Council agrees that no adjustment to the water rates and charges be made due to the effect of HEA 1002. (Res. 2022-02, S1, July 5, 2022)

18.05.050 Notice to Customers. In compliance with I.C. §8-1-2-4.3(d), the Clerk Treasurer shall provide the following notice to all affected customers in each of the next two (2) regular billing cycles as follows:

- (1) "This bill reflects the repeal of the utility receipts tax (IC 6-2.3, before its repeal) in HEA 1002-2022. The amount of the adjustment is \$0.00." (Res. 2022-02, S2, July 5, 2022)

Chapter 18.06

WATER RULES, REGULATIONS, AND CHARGES

Sections:

18.06.005	Definitions
18.06.010	Application for water service
18.06.011	Procedure for short term water service
18.06.012	Water service not allowed to continue in the name of a deceased individual
18.06.020	Connections made under the supervision of waterworks personnel
18.06.025	Base Connection Fee
18.06.030	Town's line maintenance/Customer's line maintenance
18.06.040	Discontinuance of service
18.06.050	Notice of discontinuance
18.06.060	Bills and notices
18.06.070	Bills due/Delinquent bills/Meters read
18.06.080	Reconnection fee
18.06.090	Deposit
18.06.100	Meter installation and maintenance
18.06.110	Meter testing
18.06.120	Inoperable meter
18.06.130	Water for building or construction
18.06.140	Interruption of service
18.06.150	Damages due to water line breaks
18.06.160	Check valve
18.06.170	Inspection
18.06.180	Water for public purposes/fire extinguishment
18.06.190	Accessible meter
18.06.200	Customer's service line installation and maintenance
18.06.210	Damage due to negligent customer
18.06.220	Use of water/Not for resale
18.06.230	Easements
18.06.240	Extensions of water lines
18.06.250	Refusal of service
18.06.260	Rules can be amended
18.06.270	Complaints
18.06.300	Backflow and cross connection control
18.06.400	Water rates and charges

18.06.005 Definitions.

- (1) Agent – Agent means an individual who has been duly authorized by a legally created business entity or trust to act on behalf of that entity or trust or a

person who has a duly executed power of attorney to act on behalf of the customer.

- (2) User – User shall have the same meaning as customer, and shall be a landowner who is or has contracted for water and/or sewage with the Town. (Ord. 2014-06, S1, June 4, 2014)

18.06.010 Application for water service. Property owner or his agent, hereinafter called customer, must make written application for water service at the office of the municipality, and said application including service received thereunder is unassignable by the customer. (See Chapter 18.07 for Water User’s Agreement) (Ord. 1967-3, S1, Feb. 13, 1967)

18.06.011 Procedure for short term water service.

- (1) For testing lines to sell a property: A fifty-dollar (\$50) fee will be charged to turn water service on for 24 hours to test water lines. Service will be turned off at the end of the 24-hour time frame. This fee will be charged for each 24-hour time frame needed to test the lines.
- (2) For temporary use of water service by a contractor/reclaim seeding: The current schedule of rates shall apply for all usage. The minimum usage fee will be calculated based on the current minimum rate at time of use. Water usage in excess of the minimum will be calculated based on the current schedule of rates at the time of use. (Res. 2018-01, Sept. 4, 2018)

18.06.012 Water service not allowed to continue in the name of a deceased individual. The GENTRYVILLE WATER UTILITIES has concerns about water service remaining in use after the water user on record is deceased, hereby establishes the following:

- (1) SPOUSES of the deceased are required to fill out a user’s agreement in their name. In the event the account of the deceased does not have a deposit the surviving spouse will be allowed to continue the account in their name without a deposit.
- (2) OTHER SURVIVING FAMILY MEMBERS who wish to establish service at the residence of a deceased individual will be required to fill out a user’s agreement and pay a deposit. In the event a deposit does exist on the account of the deceased individual the deposit will be returned to the estate unless written proof is provided from the estate stating that the deposit has approval to be transferred to the new account. (Ord. 2010-02, S1, Jan. 6, 2010)

18.06.020 Connections made under the supervision of waterworks personnel. All taps and connections to the mains of the municipality shall be made by and/or under the direction and supervision of waterworks personnel. (Ord. 1967-3, S2, Feb. 13, 1967)

18.06.025 Base Connection Fee. The base connection fee shall be as follows:

<u>Meter Size</u>	<u>Fee</u>
5/8-inch	\$ 1,000
1-inch	\$ 1,500
1 ½-inch	\$ 1,500
2-inch	\$ 2,000
2 ½-inch	\$ 2,000
3-inch or larger	\$ 2,500

- (1) The following items shall not be covered by the base connection fee and are hereby the financial responsibility of the person(s) seeking connection to the water system:
- A. Required permits
 - B. All Engineering
 - C. Road bore

(Ord. 2018-07, Nov. 7, 2018) (Ord. 2010-03, Feb. 3, 2010) (Ord. 1980-2, June 9, 1980)

18.06.030 Town's line maintenance/Customer's line maintenance. The municipality shall install and maintain at its expense that portion of the service from the main to the lot or easement line, including the necessary tap, fittings, and shut-off valve; and the customer shall install and maintain at its expense that portion of the service from said lot or easement line to his premises, including a stop and waste cock at the end of the house side of his service. The minimum earth cover of the customer's service shall be five (5) feet. The company shall determine the size and kind of service to be installed. (Ord. 1967-3, S3, Feb. 13, 1967)

18.06.040 Discontinuance of service.

- (1) Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:
- A. Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.
 - B. Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water.
 - C. Resale or giving away of water.
 - D. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state of repair.

- E. Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.
 - F. Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality.
 - G. Non-payment of bills.
- (2) Each customer of the Town's water utility is hereby granted the right to a hearing prior to disconnection of water service. Prior to disconnection of service, each customer who is subject to disconnection for any of the reasons set forth in paragraph (1) of this section, shall receive Notice of the Town's intent to disconnect service, which notice shall be mailed by First Class mail to such customer's mailing address on file with the Town, which the Town determines is reasonably calculated to provide notice of this hearing right. Such notice shall be mailed and shall notify the customer of the right to a hearing before the Town Council, substantially as follows:

NOTICE OF HEARING RIGHT

Any customer who has reason to believe that this disconnection notice is in error or who wishes to request an evidentiary hearing to contest the disconnection of water service must do so, in writing and delivered by certified mail or by hand delivery to the office of the Clerk-Treasurer of the Town during regular business hours, at the Gentryville Town Hall, 240 W. Boone Street, P.O. Box 261, Gentryville, Indiana 47537 on or before the tenth (10th) day after the date of delivery of this Notice. Delivery is presumed to occur three days after the mailing of the notice. If the tenth (10th) day falls on a weekend or holiday, it shall be the regular business day immediately following such. If a hearing is requested, the hearing shall be conducted at the time and location of the next regular meeting of the Town Council. (Ord. 2013-06, S18.06.040) (Ord. 1967-3, S4, Feb. 13, 1967)

18.06.050 Notice of discontinuance. Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the business office of the waterworks system; otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality. (Ord. 1967-3, S5, Feb. 13, 1967)

18.06.060 Bills and notices. Bills and notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the municipality; and the municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in said notice. Where the name of a User is changed, in response to a change of residence, a fee of Three Dollars (\$3.00) shall be charged for re-adjusting the service and mailing address. (Ord. 1995-1, Aug. 16, 1995) (Ord. 1967-3, S6, Feb. 13, 1967)

18.06.070 Bills due/Delinquent bills/Meters read.

- (1) Non-payment from the due date will be subject to a penalty of ten percent (10%) of that part of the delinquent account which does not exceed three dollars (\$3.00), plus three percent (3%) of any delinquent amount in excess of three dollars (\$3.00).
- (2) Non-payment by the due date shall subject the customer to discontinuation of service in accordance with 18.06.040 as amended. If payment on the account is not received by the due date a disconnection letter and notice of hearing right as set forth by 18.06.040(2) will be sent to the billing address provided by the customer and a \$5.00 notice fee shall be applied to the account.
- (3) Meters will be read monthly beginning after the due date of the current bill and up to and including the 9th of the following month. Current bills will be processed and mailed out on the 10th of each month, if the 10th of the month falls on a weekend or a holiday the bills may be processed and mailed on the next business day. Meters may be estimated at the request of customer, due to inclement weather conditions, inaccessibility of a customer's meter if the utility has made a reasonable attempt to read it, or for other circumstances beyond the control of the utility, its agents and employees. (Ord. 2013-06, S18.06.070, Dec. 4, 2013) (Ord. 2009-02, S1, 2, 3, July 2009) (Ord. 1995-1, S(A), S1(B), Aug. 16, 1995) (Ord. 1967-3, S7, Feb. 13, 1967)

18.06.080 Reconnection fee. In the event it becomes necessary for the Town to shut off the water from a residence, a fee of Twenty-five Dollars (\$25.00) shall be charged for a reconnection of the service.

In the event a User is delinquent in payment of the water bill and the board shuts off the water two (2) times or more, in addition to the reconnection fee of Twenty-five Dollars (\$25.00), the Board shall charge an additional water deposit of \$150.00 prior to reconnection water service. (Ord. 1995-1, S(C), S(D), Aug. 16, 1995) (Ord. 1967-3, S8, Feb. 13, 1967)

18.06.090 Deposit.

- (1) Each new water utility connection shall pay as a deposit to ensure payment of any water usage provided by the Town of Gentryville, Indiana, the sum of Two Hundred Fifty Dollars (\$250.00).
- (2) Each new wastewater utility connection shall pay as a deposit to ensure payment of any wastewater services provided by the Town of Gentryville, Indiana, the sum of Two Hundred Fifty Dollars (\$250.00). (Ord. 2020-05, S1, S2, Aug. 4, 2020) (Ord. 1995-1, Aug. 16, 1995)

18.06.100 Meter installation and maintenance. All meters shall be installed, maintained and renewed by and at the expense of the municipality, and the municipality reserves the right to determine the size and type of meter used. (Ord. 1967-3, S10, Feb. 13, 1967)

18.06.110 Meter testing. Upon the written request of any customer, the meter serving said customer shall be tested by the municipality. Such test will be made without charge to the customer if the meter has not been tested within twelve (12) months preceding the requested test; otherwise, a charge of Ten dollars (\$10.00) will be made and then only if the test indicates meter accuracy within the limits of 2 percent. (Ord. 1967-3, S11, Feb. 13, 1967)

18.06.120 Inoperable meter. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register. (Ord. 1967-3, S12, Feb. 13, 1967)

18.06.130 Water for building or construction. Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being Ten dollars (\$10.00); and the amount to be determined by the municipality, depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice. (Ord. 1967-3, S13, Feb. 13, 1967)

18.06.140 Interruption of service. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so. (Ord. 1967-3, S14, Feb. 13, 1967)

18.06.150 Damages due to water line breaks. The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary. (Ord. 1967-3, S15, Feb. 13, 1967)

18.06.160 Check valve. Customers having boilers and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steamline to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice. (Ord. 1967-3, S16, Feb. 13, 1967)

18.06.170 Inspection. The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the said premises shall at all reasonable hours be subject to inspection by duly authorized employees of the municipality. (Ord. 1967-3, S17, Feb. 13, 1967)

18.06.180 Water for public purposes/fire extinguishment. Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc. (Ord. 1967-3, S18, Feb. 13, 1967)

18.06.190 Accessible meter. Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the municipal lines and mains. The customer shall provide a place of metering which is unobstructed and accessible at all times. The customer shall furnish and maintain a cut-off valve on his side of the meter and the municipality will provide a like valve on its side of the meter. (Ord. 1967-3, S19, Feb. 13, 1967)

18.06.200 Customer's service line installation and maintenance. The customer's service line shall be installed and maintained by the customer at his own expense in a safe and efficient manner and in accordance with the municipal rules and regulations and with the regulations of the Indiana State Board of Health. (Ord. 1967-3, S20, Feb. 13, 1967)

18.06.210 Damage due to negligent customer. If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligent or wrongful act of the customer, member of his household, his agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer. (Ord. 1967-3, S21, Feb. 13, 1967)

18.06.220 Use of water/Not for resale. Water furnished by the municipality may be used for domestic consumption by the customer, members of his household, and employees only. The customer shall not sell or give the water to any other person. (Ord. 1967-3, S22, Feb. 13, 1967)

18.06.230 Easements. Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer. (Ord. 1967-3, S23, Feb. 13, 1967)

18.06.240 Extensions of water lines.

- (1) Any person(s) requesting a water main extension shall be responsible for all costs associated with the installation of the water main extension.
- (2) Gentryville Water Utility shall not be financially responsible for the extension of a water main requested by anyone seeking to connect to the Gentryville Water Utility.
- (3) One year after the completion of the water main extension, Gentryville Utilities shall assume ownership and responsibility for maintaining the water main extension. (Ord. 2018-05, June 5, 2018) (Ord. 1967-3, S24, Feb. 13, 1967)

18.06.250 Refusal of service. The municipality may refuse service to persons, not presently a customer, when in the opinion of the municipality the capacity of the facilities will not permit such service. (Ord. 1967-3, S25, Feb. 13, 1967)

18.06.260 Rules can be amended. These rules may be changed or amended, but so long as the municipality is indebted to the Farmers Home Administration, only with the prior approval of such administration. (Ord. 1967-3, S26, Feb. 13, 1967)

18.06.270 Complaints. Complaints may be made to the operator of the system and may be appealed to the Board of Trustees of the Town within ten (10) days. (Ord. 1967-3, S27, Feb. 13, 1967)

18.06.300 Backflow and cross connection control.

- (1) Definitions.
 - A. Approved check valve - A check valve of substantial construction and suitable materials that is positive in closing and permits no backage in a direction reverse to the normal flow.
 - B. Cross connection - Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Gentryville water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
 - C. Person - Any person, firm association, organization, partnership, trust, or association of persons, joint venture, corporation, or company, and includes the United States, the State of Indiana, and any officer or agent thereof.

- D. Potable water - Water that is safe for drinking, personal, or culinary use.
- E. Reduced-pressure-principle backflow prevention device - A device containing a minimum of two independently acting, approved check valves, together with an automatically operated pressure differential relief valve locate between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks. (Ord. 2012-06, S1, Nov. 7, 2012)
- (2) That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of Town of Gentryville may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Town of Gentryville water department and by the Indiana Department of Environmental Management in accordance with 327 IAC 8-10, or its successors in interest. (Ord. 2012-06, S2, Nov. 7, 2012)
- (3) That it shall be the duty of the Town of Gentryville to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Town. (Ord. 2012-06, S3, Nov. 7, 2012)
- (4) That upon presentation of credentials, the representative of the Town of Gentryville shall have the right to request entry at any reasonable time to examine the property served by a connection to the public water system of Town of Gentryville for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections. (Ord. 2012-06, S4, Nov. 7, 2012)
- (5) That the Town of Gentryville is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary

measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance. (Ord. 2012-06, S5, Nov. 7, 2012)

- (6) That, if it is deemed by the Town of Gentryville that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the Town of Gentryville and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within 10 days of such emergency discontinuance. (Ord. 2012-06, S6, Nov. 7, 2012)
- (7) That all consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced-pressure-principle backflow prevention device in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing. (Ord. 2012-06, S7, Nov. 7, 2012)
- (8) The reduced-pressure-principle backflow preventers shall not be installed below ground level. (Ord. 2012-06, S8, Nov. 7, 2012)
- (9) That this ordinance does not supersede the Indiana Plumbing Code or the IDEM Rule 327 IAC 8-10 but is supplementary to them. (Ord. 2012-06, S9, Nov. 7, 2012)
- (10) That if, in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent of Water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expenses, install such an approved device at a location and in a manner approved by the Superintendent of Water and shall have inspections and tests made of such approved devices as required by the Superintendent of Water and in accordance with the IDEM Rule 327 IAC 8-10. (Ord. 2012-06, S10, Nov. 7, 2012)
- (11) Violations and Penalties.
 - A. In addition or as an alternative to discontinuance of water service as provided in Section 5 and Section 6 of this Ordinance, the Town of Gentryville is authorized to notify in writing any person found to be in violation of the provisions of this ordinance, which notice shall state the

Chapter 18.07

WATER USER'S AGREEMENT

Sections:

18.07.010 Agreement

18.07.010 Agreement. This agreement, between the Town of Gentryville, Indiana, organized and existing under and by virtue of the laws of the State of Indiana, hereinafter called the Supplier and _____, a customer of the Town, hereinafter called the User:

WHEREAS, the User desires to purchase water from the Supplier, and to enter into a water user's agreement as required by the ordinances of the Supplier.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, it is hereby understood and agreed:

The Supplier shall furnish, subject to limitations hereinafter provided for, such quality of water for domestic or farmstead purposes as the User may desire in connection with his occupancy of the following described property: (Example: Lot 19 Original Town or W1/2SW1/423-6-5W)

The User shall install and maintain at his own expense a service line which shall begin at the meter and extend to the dwelling or place of use. The nearest place of desired use by the User, provided the supplier has determined in advance that the system is of sufficient capacity to permit delivery of water at that point.

The User agrees to pay for water at such rates, time, and place as shall be determined by the Supplier, and agrees to the penalties, for noncompliance with the above as set out in the current Rate and Use Ordinances.

There is a minimum charge for both water and sewer. The water minimum is based on the first 3000 gallons regardless if the customer uses that amount. The sewer has a base rate that is due even when no water is discharged through the system. The Indiana State Board of Accounts approves these minimum charges.

In addition to any connection fee established by the Supplier, the User agrees to pay a water and/or sewer meter deposit in the amount of (a) \$ 250.00 each (Total of \$500.00 for users on sewer system). Regardless if the User is the owner or tenant of the property. The deposit shall be held and applied by the Supplier to the payment of the account of the User, should service to the User be terminated either voluntarily by the User or involuntary by the Town. Should the account be fully paid at the time of termination of service to the User, the Supplier shall refund the deposit within a reasonable time thereafter.

The Supplier shall purchase and install a cut-off valve and may also include a water meter in each service. Such cut-off valve and meter shall be installed at a point agreed upon between the User and the Supplier. **The Supplier shall retain ownership of, and have exclusive right to use such cut-off valve and water meter and turn it on and off.** After 24 months of service, the User may request a meter change without question. If the User requests a meter be tested, the User will be financially responsible for test plus service charge if the meter is certified to be correct. The Water Utility will bare all costs if meter is found faulty.

The Supplier shall have final jurisdiction in any allocation of water to the User in the event of a water shortage, and may shut off water to a User who allows a connection or extension to be made to his service line for purpose of supplying water to another user. In the event the total water supply shall be insufficient to meet the need of all the Users, or in the event there is a shortage of water, the Supplier may prorate the water available among the various Users on such basis as is deemed reasonable and fair by the governing Board of the Supplier, with equitable adjustment in charges therefor, may also prescribe a schedule of hours covering use of water for lawns and gardens and for other high usage not of essential nature, and may require adherence thereto or prohibit the use of water for such purposes; provided that, if at any time the total water supply shall be insufficient to meet all of the needs of all the Users, the Supplier must first satisfy all of the needs of all Users for domestic and livestock purposes before supplying any water for gardens, lawns and non-essential high usage's.

The User agrees to comply with the requirement of the Indiana State Board of Health that no other present or future source of water will be connected to any waterlines served by the Supplier's waterlines, except from a water source and through a protective device both approved by the State Board of Health and will disconnect from his present water supply prior to connecting to and switching to the Supplier's system unless such supply and connections is approved by the Board of Health.

The failure of the User to pay water charges duly imposed shall result in the automatic imposition of the following penalties:

- (A) Non-payment from the due date will be subject to a penalty of ten percent (10%) of that part of the delinquent account which does not exceed three dollars (\$3.00), plus three percent (3%) of any delinquent amount of excess to three dollars (\$3.00);
- (B) Non-payment by the due date shall subject the customer to discontinuation of service in accordance with 18.06.040 as amended. If payment on the account is not received by the due date a disconnection letter and notice of hearing right as set forth by 18.06.040(2) will be sent to the billing address provided by the customer and a \$5.00 notice fee shall be applied to the account.
- (C) In the event if becomes necessary for the Supplier to shut off the water from a residence, a fee of Fifty Dollars (\$50.00) shall be charged for a reconnection of the service.

(D) In the event a User is delinquent in payment of the water bill and the Board shuts off the water two (2) times or more, in addition to the reconnection fee of Fifty Dollars (\$50.00), the Board shall charge an additional water deposit of \$250.00 prior to reconnection of water service.

IN WITNESS WHEREOF, we have hereunto executed this agreement this _____ day of _____, 200_.

SUPPLIER:

Town of Gentryville, Indiana

By _____

USER:

GUARANTEE

The undersigned being all of the landowners of the subject real estate upon which the water service is being supplied, agrees to guarantee the payment of the water bill provided for service rendered by the Town of Gentryville to the User. In the event the User falls to make payment as required by this contract, then the undersigned Guarantors will upon notification make the payment required by this agreement including reasonable costs of collection and attorney's fees should suit be required for payment. The landowner will be notified when an account becomes past due.

WITNESS

GUARANTOR

WITNESS

GUARANTOR

USER'S PRINTED NAME

USER'S SIGNATURE

Service address

City, State, Zip code

User's employer

Telephone Number

Employer's telephone number

User's social security

FOR OFFICE USE ONLY

User ID # _____

Clerk-Treasurer

President of Board

FOR RENTERS ONLY:

Name of Property Owner

Owner's Address (include City and Zip Code)

WATER DEPOSIT RECEIVED RECEIPT # _____

SEWER DEPOSIT RECEIVED RECEIPT # _____

**MUST ATTACH COPY OF INDIANA DRIVERS LICENSE OR PHOTO ID
CARD BEFORE SERVICE WILL BE ESTABLISHED!!!!!!!**

(Ord. 2020-05, Aug. 4, 2020) (Ord. 2013-06, Dec. 4, 2013) (Ord. 2009-02, July 1, 2009) (Ord.
2006-03, Aug. 16, 2006)

Chapter 18.08

WATER MANAGEMENT (CONSERVATION AND SHORTAGES)

Sections:

18.08.005	Adequate water supply
18.08.010	Application
18.08.020	Declaration of need
18.08.030	Conservation measures
18.08.040	Voluntary conservation
18.08.050	Mandatory conservation
18.08.060	Rationing
18.08.070	Exceptions
18.08.080	Notice
18.08.090	Enforcement

18.08.005 Adequate water supply.

- (1) Both natural and man-made conditions, may arise or occur which cause a temporary shortage of water; and
- (2) Such conditions may affect the Town of Gentryville public water system's ability to provide an adequate supply of water or where the public water supply may be unable to maintain adequate water pressure in the delivery system; and
- (3) In such event it is imperative to the well-being of the residents of the Town of Gentryville that uses of water not essential to the health, welfare and safety be restricted. (Ord. 2012-04, Whereas, July 11, 2012) (Ord. 2007-02, July 11, 2007)

18.08.010 Application. This ordinance shall apply to all persons, firms, partnerships, corporations, company or organizations connected to the Town of Gentryville public water system or using water therefrom (hereafter, users). (Ord. 2012-04, S1, July 11, 2012)

18.08.020 Declaration of need. Upon determining that the Town of Gentryville public water system is in a condition of water shortage, the Town of Gentryville shall declare a water conservation emergency and establish the appropriate measures and the duration thereof. (Ord. 2012-04, S2, July 11, 2012) (Ord. 2007-02, July 11, 2007)

18.08.030 Conservation measures. Practices that conserve water should be used at all times. Examples of conservation measures include:

- (1) Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines gardens, vegetables, or any other vegetation; Eliminating wasteful sprinkling of impervious surfaces, such as streets and sidewalks;
- (2) Limiting water use while washing trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment;
- (3) Limiting water use while cleaning sidewalks, driveways, paved areas, or other outdoor surfaces;
- (4) Repairing or replacing leaking water fixtures and service lines;
- (5) Using appliances such as clothes washers and dishwashers only when they are full;
- (6) Turning off the water while brushing teeth or shaving;
- (7) Using a higher lawnmower setting to provide natural ground shade and promote the soil's water retention;
- (8) Washing cars with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing;
- (9) Covering swimming pools when not in use to reduce evaporation;
- (10) Banning the filling of pools;
- (11) Banning agricultural spraying. (Ord. 2012-04, S3, July 11, 2012) (Ord. 2007-02, July 11, 2007)

18.08.040 Voluntary conservation. During moderate water shortages users shall be requested to reduce water consumption by practicing voluntary conservation. The Town of Gentryville shall identify reasonable and meaningful conservation techniques and provide such information to users. The Town of Gentryville may also implement conservation pricing and prohibitions to encourage water conservation. (Ord. 2012-04, S4, July 11, 2012)

18.08.050 Mandatory conservation. During severe water shortages users shall be prohibited from selected water uses subject to reasonable terms, times and conditions as the governing body shall adopt and append to this document. (Ord. 2012-04, S5, July 11, 2012)

18.08.060 Rationing. In addition to mandatory conservation measures, during extreme water shortages, the Town of Gentryville may limit users' water consumption to a proscribed daily amount as recommended by the Town of Gentryville's Water Department Superintendent, Indiana Department of Environmental Management, or other delegated authority as is deemed necessary by supply availability and any restrictions that may be imposed by the Town's wholesale water providers. (Ord. 2012-04, S6, July 11, 2012)

18.08.070 Exceptions. The Town of Gentryville shall establish rationing exemptions necessary to provide for the maintenance of adequate health, safety, and sanitary conditions. (Ord. 2012-04, S7, July 11, 2012)

18.08.080 Notice. Notice of the need for voluntary conservation measures shall be issued in a local newspaper of general circulation or other means such as radio and television as deemed appropriate by the governing body. Notice shall be effective upon issuance.

Notice of mandatory conservation or rationing shall be by first class United States mail, or by other door to door distribution to each current user, and by electronic and print media. Notice shall be deemed effective at the conclusion of door to door distribution or at noon of the third day after depositing notice in the United States mail. (Ord. 2012-04, S8, July 11, 2012)

18.08.090 Enforcement. Any user who violates Section 18.08.050 or 18.08.060 of this Chapter may be punished by a fine of not more than \$2,500 (see IC 36-1-3-8(a)(10)(B)). Each day of violation shall constitute a separate offense. In addition to, or in the alternative to, a fine, water service may be terminated for any user who violates Section 18.08.040 or 18.08.050 of this ordinance. (Ord. 2012-04, S9, July 11, 2012) (Ord. 2007-02, July 11, 2007)

Chapter 18.09

WATER PURCHASE CONTRACT FROM TENNYSON

Sections:

- 18.09.010** **Execution of contract**
- 18.09.020** **Effective when**

18.09.010 Execution of contract. That the Town of Gentryville, Indiana, entered into the contract with the Town of TENNYSON, said contract being entitled WATER PURCHASE CONTRACT, which said contract is attached hereto and marked "Exhibit A", and the Board of Trustees of the Town of Gentryville are hereby instructed and directed to execute said contract with the TOWN OF TENNYSON, Indiana, agreeing to purchase from the said Town, water under the terms and conditions set out in said contract. (Ord. 1983-1, S1, Feb. 1, 1983) (Ord. 1973-1, Oct. 1, 1973)

18.09.020 Effective when. That said contract be effective immediately upon the execution of this contract by the Board of Trustees of the Town of Gentryville, Indiana. This Ordinance passed and adopted February 1, 1983. (Ord. 1983-1, S2, Feb. 1, 1983) (Ord. 1973-1, Oct. 1, 1973)

Chapter 18.16

SEWER SYSTEM

Sections:

18.16.010	Notice to construct and finance sewer system
18.16.020	Definitions
18.16.030	Connection/Maintenance of sewer system
18.16.040	Discharges to the sanitary sewer prohibited
18.16.100	Sewer hook-ups

18.16.010 Notice to construct and finance sewer system. Property owners, ratepayers and other interested parties in, or served or to be served by the sewage works of the town of Gentryville are hereby notified that on May 26, 1998, the Town Council adopted Ordinance No. 1998-01, thereby determining to construct a sewage works project consisting of a conventional gravity sewer collection system and a waste stabilization pond, pursuant to plans and specifications prepared by Midwestern Engineers, Inc., consulting engineers of Loogootee, Indiana.

The maximum estimated cost of the project is \$1,806,000. Ordinance No. 1998-01 further directed that a portion of the cost of the project be financed by the issuance of revenue bonds in the amount of \$550,000, which bonds will be payable solely from the net revenues of the sewage works. The bonds will be sold at a private sale to the United States of America, U.S. Department of Agriculture, at an interest rate not to exceed 4.875% per annum and will mature annually over a period ending January 1, 2038. Copies of the plans, specifications, cost estimates and of Ordinance No. 1998-01 are on file in the office of the Clerk-Treasurer and are available for inspection by any interested parties during regular business hours. Objections to said project and the bonds may be filed in the time and manner provided by the Indiana Code, Title 36, Article 9, Chapter 23. (Notice, May 28, 1998)

18.16.020 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance (Chapter) shall be as follows:

- (1) "Agent" means an individual who has been duly authorized by a legally created business entity or trust to act on behalf of that entity or trust or a person who has a duly executed power of attorney to act on behalf of the customer. (Ord. 2014-06, S1a, June 4, 2014)
- (2) "Ammonia" (or NH₃) shall mean all nitrogen in water, wastewater or other liquid waste present in the form of ammonia (NH₃) or other ammonium ion (NH₄⁺).
- (3) "Biochemical oxygen demand" (or BOD) shall mean the quantity of oxygen expressed in mg/1 utilized in the biochemical oxidation of organic matter under

standard laboratory procedures with nitrification inhibition in five (5) days at 20 degrees C.

- (4) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Building drain - Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building drain - Storm - A building drain which conveys storm water or other clearwater drainage, but no wastewater.

- (5) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

Building sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.

Building sewer - Storm - A building sewer which conveys storm-water or other clearwater drainage, but no sanitary or industrial sewage.

- (6) "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- A. chemical oxygen demand,
- B. total organic carbon,
- C. phosphorus and phosphorus compounds,
- D. nitrogen and nitrogen compounds, and
- E. fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

- (7) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- (8) "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- (9) "Floatable oil" shall mean, oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
- (10) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- (11) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
- (12) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.
- (13) "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)
- (14) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (15) "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)
- (16) "Inspector" shall mean the person or persons duly authorized by the Town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system. Unless otherwise specified, the Superintendent shall serve as Inspector as well.
- (17) "Major contributing industry" shall mean an industry that
 - A. has a flow of 50,000 gallons or more per average work day; or

- B. has a flow greater than five percent of the flow carried by the municipal system receiving the waste; or
 - C. has in its waste a toxic pollutant in toxic amounts as defined in standards issued under 33 U.S.C. § 1317; or
 - D. has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.
- (18) "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to 33 USC 1342.
- (19) "Natural Outlet" shall mean any outlet, including storm sewers into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (20) "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.
- (21) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
- (22) "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity.
- (23) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
- (24) "Private sewer" shall mean a sewer which is not owned by a public authority.
- (25) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (26) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:
- Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force main shall mean a pipe in which wastewater is carried under pressure.

Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

(27) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.

(28) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The two most common types of sewage are:

Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

(29) "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

(30) "Sewer" shall mean a pipe or conduit for carrying sewage.

(31) "Shall" is mandatory; "May" is permissive.

(32) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.

(33) "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.

(34) "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial

wastes are not intentionally admitted.

- (35) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Gentryville, Indiana, or his authorized deputy, agent or representative.
- (36) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.
- (37) "Total solids" shall mean the sum of suspended and dissolved solids.
- (38) "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to 33 U.S.C. § 1317.
- (39) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (40) "User" shall have the same meaning as customer, and shall be a landowner who is or has contracted for water and/or sewage with the Town. (Ord. 2014-06, S1b, June 4, 2014)
- (41) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.
- (42) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 2012-02, SA, Feb. 15, 2012)

18.16.030 Connection/Maintenance of Sewer System.

- (1) **No Unauthorized Access.** No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.
- (2) **Tap-in Fees.** There shall be two (2) classes of building tap-in fees:
 - A. for residential and commercial service, and
 - B. for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the said Town. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A tap-in fee of one thousand dollars (\$1000.00) for a residential or commercial building sewer permit. An applicant for an industrial building sewer tap-in shall submit the plans specifications and other information as described above and upon receipt of the application and plans, the Superintendent or agent thereof shall review such and conduct any necessary examinations and evaluations. It shall then be determined what, if any, variations may be necessary to accommodate the industrial needs that would deviate from a normal residential connection. The Superintendent shall then assess the tap-in fee based on the cost of modifications or variations that need to be made. The minimum fee shall be \$1000. These fees shall be paid to the Clerk-Treasurer at the time the application is filed.

- (3) **Costs.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (4) **Separate Connections.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (5) **Connection to Old Systems.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Superintendent, to meet all requirements of this ordinance.
- (6) **Material and Method Standards.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. FD-5 shall apply.
- (7) **Elevation of Connection.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by

an approved means and discharged to the building sewer.

- (8) **Prohibited Hookups.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (9) **Connection Conformance.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations.
- (10) **Notice of Readiness.** The applicant for the building sewer permit shall notify the said Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.
- (11) **Safeguarding Excavation.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Town.
- (12) **Connection Fee Required.** No person, firm or corporation shall discharge sewage or other effluent, either directly or indirectly, which flows into the wastewater treatment system owned by the Town of Gentryville, without first paying the connection fee prescribed by the Town of Gentryville. Any person, firm or corporation who violates this Ordinance shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day of violation.
- (13) **Flow Meter and Sampling.** When two or more users are connected into the Town's wastewater treatment system from a pipe or piping system not owned by the Town of Gentryville, the owner of the connecting pipe or piping system shall install a flow meter in such a manner as to adequately monitor the total flow entering the Town of Gentryville's wastewater treatment system and provide sampling of no less than on a monthly basis to indicate to the quality of the sewage or wastewater being piped into the Town of Gentryville's wastewater treatment system. Any person, firm or corporation who violates this Ordinance shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day of violation.

- (14) **Combined Non-Owned Pipe.** When two or more users are connected into the Town's wastewater treatment system from a pipe or piping system not owned by the Town of Gentryville, the Town of Gentryville shall provide one statement for the total amount and strength of effluent or wastewater from any piping system which deposits effluent or wastewater into the Town of Gentryville's wastewater treatment system to the owner of the piping system. Any person, firm or corporation who violates this Ordinance shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day of violation.
- (15) **Time-Frame for Flow Meter and Sampling System.** The town of Gentryville may require the installation of the flow meter and sampling system be installed and operational within thirty (30) days after notice to do so by the Town of Gentryville. In the event the owner of the piping system fails to make the required installations within the said thirty (30) day period, the Town of Gentryville may make the installation and assess the cost of the same to the owner of the piping system. Any person, firm or corporation who violates this Ordinance shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day of violation.
- (16) **Duty to Safeguard and Repair.** Property owners with a sewer hook-up located on said property are responsible for the safeguarding of lines and appurtenances existing on that property. If any lines or appurtenances (including but not limited to cleanout access) are found damaged the Superintendent or his/her agent shall issue a letter to the landowner to repair such damages within fourteen (14) days of the mailing of the letter. The letter shall also be sent to any billing address for the property. If the damage is not repaired or is not repaired to acceptable standards, the Town or its agents may repair the damage and the landowner shall be billed for all costs associated with the repairs including all parts and labor. If the individual fails to pay the bill issued pursuant to this article within thirty (30) days from the billing date, the Clerk Treasurer of the Town shall certify to the county auditor the amount of the bill, plus any administrative costs incurred in the certification. The auditor shall place said amount on the tax duplicate, including accrued interest, which shall be collected as delinquent taxes are collected and disbursed to the general fund of the Town.
- (17) **Willful or Wanton Damage.** If there is evidence that a landowner or other individual or entity has willfully damaged or has had more than three (3) incidents of damage to a sewer line or appurtenance in a six month period, then in addition to the letter and fees described above, the offending party or parties shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.

- (18) **Notice of Appeal.** Any individual or entity who receives notice of a violation, civil penalty, or bill under this Ordinance may appeal it by filing a notice of appeal with the Clerk Treasurer within ten (10) days of the date on either the notice or bill requesting a hearing at the next Town Council meeting; and said matter will be heard at the next Town Council meeting.
- (19) **Separability.** If any section, sub-section, clause, phrase, or portion of this Ordinance shall be for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2012-03, SB, Feb. 15, 2012)

18.16.040 Discharges to sanitary sewer prohibited.

- (1) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the sewage treatment plant.
 - C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.
 - D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - E. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.

- F. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
 - G. Any waters or wastes having pH in excess of 9.5.
 - H. Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - 5. Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (2) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 18.16.040(1) this Chapter, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- A. Require new industries (or other large users) or industries (or other large users) with significant increase in discharges to submit information on wastewater quantities characteristics and obtain prior approval for discharges.
 - B. Reject the wastes in whole or in part for any reason deemed appropriate by the Town.

- C. Require pretreatment of such wastes to within the limits of normal sewage as defined.
- D. Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
- E. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- (3) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (4) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the Town, the Indiana Department of Environmental Management, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.
- (5) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standards Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a

twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD, suspended solids and NH3 analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

- (6) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance. (Ord. 2012-03, SC, Feb. 15, 2012)

18.16.100 Sewer hook-ups.

- (1) Let it hereby be resolved, by the board of trustee's of the Town of Gentryville hereby propose if at one time there were two homes on two adjoining lots owned by the same person and it has two sewers but then at later date move one home off of the lot owner has to pay only one sewer bill. (Ord. 2004-02, S1, Apr. 7, 2004)
- (2) Let it hereby be resolved by the board of trustee's of the Town of Gentryville hereby propose if a property owner now has two adjoining lots but with one dwelling and wants to be changed into two separate lots must pay the tap in fee for sewer to be hooked up on newly established lot. (Ord. 2004-03, S1, Apr. 7, 2004)
- (3) Anyone wishing to relinquish a sewer tap on property must meet the following conditions:
 - A. Applicant for sewer relinquishment must appear before the Gentryville Town Board of Trustees.
 - B. The lot shall be free of any structure or building debris.
 - C. The sewer tap must be capped by a professional.
 - D. The capping of the sewer must be inspected by the Wastewater Superintendent.

Monthly sewer charges will continue on the property until all conditions have been completed to the satisfaction of the Wastewater Superintendent. There will be no partial month charges on property which has not been cleared by the first of each month.

As stated in Ordinance 2004-04 all properties that have relinquished a sewer tap will be required to pay current tap in fees to reconnect to the sewer system. (Ord. 2011-03, Jan. 4, 2012) (Ord. 2004-04, S1, Apr. 7, 2004)

Chapter 18.20

SEWER RATES AND CHARGES

Sections:

18.20.010 Sewage rates and Charges

18.20.010 Sewage rates and Charges.

(1) Metered Water Users:

The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined shall be as follows:

A. Treatment Rate - per 1,000 gallons of usage per month:

	<u>Phase I</u>	<u>Phase II</u>
All Users	\$ 5.24	\$ 5.56

plus;

B. Base Rate - per month, as follows:

<u>Base Rate</u>	<u>Phase I</u>	<u>Phase II</u>
Meter Size:		
5/8-3/4 inch	\$ 37.25	\$ 39.56
1 inch	85.28	90.57
1 1/4 inch	133.32	141.59
1 1/2 inch	190.95	202.79
2 inch	325.44	345.62
3 inch	741.72	787.71
4 inch	1,286.07	1,365.81
6 inch	2,919.15	3,100.14

(2) Unmetered Water Users:

For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units (3,600 gallons per month), except as herein provided. Sewage service bills shall be rendered once each month

as listed above plus an estimated treatment charge as outlined on the schedule of rates and charges as follows:

<u>User</u>	<u>Monthly. Rate</u>	
	<u>Phase I</u>	<u>Phase II</u>
<u>Residential:</u>		
Single family residence/unit	\$ 56.11	\$ 59.58

* For users that do not meet the above categories, their treatment rate will be based on applying the metered rates to estimated usage as determined by the Council on an individual basis.

- (3) For the services rendered to the Town of Gentryville, said Town shall be subject to the same rates and charges hereinabove provided.
- (4) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but not less than \$25 per sample. This charge will be reviewed and revised on the same basis as all other rates and charges in this ordinance. (Ord. 2006-04, Aug. 16, 2006) (Ord. 1998-02)
- (5) The rates and charges for sewer and water customers may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as required. The owners of the properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination be made at the office at which records are kept and during the hours that such office is open for business. (Ord. 2014-06, S2, June 4, 2014)

Chapter 18.51

GRANTING JOHN OWEN THE RIGHT TO OPERATE, MAINTAIN, TRANSPORT, AND DISTRIBUTE NATURAL GAS

Sections:

18.51.010	Right to construct natural gas distribution lines
18.51.020	Supervision
18.51.030	Expedient installation/Non interference with existing utilities
18.51.040	Hold harmless clause
18.51.050	Obedience of laws/ordinances
18.51.060	Construction to begin and end
18.51.070	Consumer expense
18.51.080	Rates and charges
18.51.090	Disconnection upon failure to pay
18.51.100	Successors and assigns to accept the terms
18.51.110	Written acceptance
18.51.120	Notice to discontinue service

18.51.010 Right to construct natural gas distribution lines. That said John Owen, his successors and assigns, are hereby granted the right to enter upon the streets, lanes, alleys and public grounds in the town of Gentryville, Spencer County, Indiana, and all additions and extensions heretofore and hereafter made to said city, and lay, maintain, operate repair and remove pipes and mains of such sizes as they may deem best, and also to dig trenches and lay and bury said mains and pipes and necessary appliances therein for the transportation supply and distribution of natural gas to the said town, and to all citizens, persons, firms, corporations, partnerships, and, associations residing or doing business in said town, together with the right to construct and maintain, repair and remove all necessary regulators, valves, curb boxes, safety appliances, and all other appliances for a period of twenty years after the date of passage and acceptance of this ordinance. Said gas to be used and utilized for fuel, heating and illuminating purposes. (Ord. 35, S1, Apr. 10, 1912)

18.51.020 Supervision. That all work done in and upon any streets, lanes, alleys, and public grounds of said town under and in pursuance of the provisions of the ordinance shall be done under the directions and supervision of some person or persons considered competent by said John Owen, their successors and assign, authorized and appointed by the Town Council of the said town. In laying and placing said mains and pipes, said John Owen, his successors and assigns shall dig trenches and the same under ground not less than eighteen inches (18) deep, and as much deeper as the town Council shall by resolution hereafter direct, when in their judgement and opinion it becomes necessary to lay said pipes and lines to a greater depth than that hereinbefore stipulated. Said mains and pipes shall be so placed as to interfere as little as possible with the public uses of the streets, alleys and public grounds, and said John Owen, shall lay and place said pipes, main and appliances under the surface at the intersection of all streets and alleys so as not to interfere with the passage of vehicles over and across said intersection. (Ord. 35, S2, Apr. 10, 1912)

18.51.030 Expedient installation/Non interference with existing utilities. That the work of digging ditches and trenches and laying said mains and pipes and equipping the same ready for use, shall be done in the shortest time possible in which said work can be done with skillfulness and safety, and said work shall be done so as to interfere as little as possible with the public uses or travel upon said streets, lanes, alleys and public grounds, and in doing said work, said John Owen shall not interfere with nor injure any water pipes, sewers or pipe lines laid in said town now or hereafter. (Ord. 35, S3, Apr. 10, 1912)

18.51.040 Hold harmless clause. That the said John Owen, his successors and assigns, shall protect and save harmless the said town of Gentryville, Indiana from all damage, loss, cost and expense whatsoever arising from carelessness or negligence in laying their mains and pipes and putting in connections and equipping the same ready for use, as well as any damage, loss cost and expense whatsoever arising from or caused by any leak, accident or explosion, during the maintenance and operations of its said lines of pipe in the streets, alleys, lanes and public grounds of said town, and said streets, lanes, alleys and public grounds of said town shall be placed in as good condition as the same were before such work was begun by said John Owen. (Ord. 35, S4, Apr. 10, 1912)

18.51.050 Obedience of laws/ordinances. Said John Owen, his successors and assigns, shall at any and all times be subject to and obey all legal regulations, resolutions and ordinances now in force or which the council of said town may hereafter ordain as to the use, maintenance and operation of said system of pipes and gas for the protection of the citizens of said town and the consumers of said gas. (Ord. 35, S5, Apr. 10, 1912)

18.51.060 Construction to begin and end. Said John Owen, his successors and assigns, shall commence within four months after the passage of this ordinance to lay mains and pipes to convey gas from wells to said town, and shall have the same completed within twelve months thereafter for the purpose of supplying gas in said town as by the provisions of this ordinance, and a failure to comply with the provisions this section shall cause a forfeiture of all rights, privileges and powers herein granted, and this ordinance shall hereupon become null and void and of no force or effect thereafter. (Ord. 35, S6, Apr. 10, 1912)

18.51.070 Consumer expense. Said John Owen shall carry the pipes from the mainline to the curb of any street, or the property line of any alley through which their pipes shall pass for the purpose of making connection with the line of any customer or with the line of any lamp post for illuminating purposes, placed by the town at its own cost and expense, but all pipes and appliances beyond those points shall be at the expense and cost of the consumer or of the town as the case may be. (Ord. 35, S7, Apr. 10, 1912)

18.51.080 Rates and charges. The said John Owen, his successors and assigns shall be entitled to charge for such gas furnished to the town of Gentryville and other consumers the sum of thirty cents, (30¢) for each one thousand (1000) cubic feet of gas sold and delivered for a period of four (4) years, and thereafter to charge a rate per thousand cubic feet, (1000 Cu. Ft.) as may be determined by them, the same not to exceed fifty cents, (50¢) per

thousand. All bills for gas consumed to be due and payable the first Monday in each month for the gas consumed during the previous month, subject to a discount of five cents (5¢) per thousand cubic feet on all bills paid on or before the 10th of each and every month following the month during which the gas is consumed, the same to be in effect after the passage of this ordinance, but said John Owen, his successors and assigns, shall in no event be required to furnish gas to any one meter at a less price than seventy-five cents (75¢) per month regardless of the number of cubic feet of gas measured by said meter.

The said John Owen shall furnish gas to the said town of Gentryville, at the rate of seventy-five cents, (75¢) per light, per month, said lights to be Welsbach street lamp, or any other kind approved by said John Owen. And all of said gas so sold and delivered shall be measured to each consumer thereof by a standard meter, said meter shall be furnished by said John Owen, his successors and assigns, at a rental of twenty-five cents, (25¢) per month for each meter. (Ord. 35, S8, Apr. 10, 1912)

18.51.090 Disconnection upon failure to pay. Upon the failure of any consumer to pay for gas consumed in accordance with the terms and conditions as hereinbefore granted, the said John Owen, his successors and assigns, shall have the right at any time to turn off the gas and disconnect their lines from the service pipe of said consumer and to remove the meter therefrom, and in such event and upon the request of the consumer and the payment by him of all monies due, the said John Owen, his successors and assigns shall have the right to charge and collect from such customer the sum of seventy-five cents, (75¢) before connecting with his service mains and replacing said meter so removed.

In case there is any dispute or dissatisfaction about the measurement of gas, by any said meter, the party so dissatisfied or aggrieved may, upon giving five (5) days notice to the said John Owen that he is dissatisfied with the measurement of gas by his said meter have same tested by some competent person to be selected by himself and said John Owen, and, in case they cannot agree upon a suitable person, each party shall then select one person and the two so selected by them shall select a third person and a decision of the majority of the three so selected, or in case only one is selected by the parties, shall be final and conclusive to the measurement of gas by said meter. In case the meter is found working and measuring gas properly, the party complaining shall pay the cost of inspection and selection of inspectors, and in case the said meter is not so working, the said John Owen shall pay the costs of the inspection and inspectors and shall have such meter adjusted so as to measure gas properly and give party complaining credit for any gas so made by said inspection to be wrongfully charged to said party. (Ord. 35, S9, Apr. 10, 1912)

18.51.100 Successors and assigns to accept the terms. In case said John Owen accepts the terms and conditions of this ordinance and furnish gas to said town according to the provisions hereof, said John Owen, his successors and assigns, shall lay mains and pipes and furnish gas to all citizens, firms, corporations and associations or persons within the corporate limits of said town who desire the same and are willing to pay therefor the prices herein prescribed. (Ord. 35, S10, Apr. 10, 1912)

18.51.110 Written acceptance. That the said John Owen shall within fifteen (15) days after the passage of this ordinance file with the Clerk of the town of Gentryville, Spencer County,

Indiana, his written acceptance of the terms and provisions of this ordinance and if he fail so to do within the time mentioned, the said John Owen shall acquire no authority, privilege or right under and by virtue of this ordinance. (Ord. 35, S11, Apr. 10, 1912)

18.51.120 Notice to discontinue service. In the event of the failure of natural gas, the failure of wells owned and operated by John Owen, his assigns and successors to produce natural gas, or diminution of the natural gas pressure in the field operated by said John Owen, his successors and assigns, so that the furnishing of gas as provided herein would be considered unprofitable by said John Owen, his successors and assigns, then in that event said John Owen, his successors and assigns shall have the right by giving thirty (30) days notice to the Clerk and Town Council of the said Town of Gentryville, of their intention to do so, to discontinue the furnishing of gas and to abandon the streets and alleys of said town and remove all pipe lines, regulators, meters and all property owned by them used in connection with furnishing of gas. (Ord. 35, S12, Apr. 10, 1912)

That the terms provisions and conditions of this Ordinance shall bind the said John Owen, his successors and assigns. (Ord. 35, S13, Apr. 10, 1912)

Chapter 18.55

GRANTING NATURAL GAS FRANCHISE TO COMMUNITY NATURAL GAS COMPANY, INC.

Sections:

18.55.010	Franchise to furnish natural gas
18.55.020	Obstruction of streets & alleys kept to a minimum
18.55.030	Barricades, signals placed near excavations to protect public/Insurance coverage
18.55.040	Gas supply
18.55.050	Term of Agreement
18.55.060	Quality of gas/Rates
18.55.070	Effective when

18.55.010 Franchise to furnish natural gas. The Municipality hereby grants unto the Grantee, its successors and assigns, and an indeterminate permit, franchise, right and privilege to lay, install, alter, move, remove, replace, renew, repair, maintain, extend and operate, in, along upon and under any and all of the streets, alleys, commons, bridges and other public places within the Municipality, within its present and future Corporate Limits, one or more gas mains, pipes, manholes, conduits and all necessary feeder, service pipes and other facilities, appliances, apparatus and structures for the purpose of supplying and furnishing natural gas to the Municipality and the inhabitants thereof and the public in general and all customers of the Grantee residing within or without the Corporate Limits of the Municipality, for lighting, fuel and other purposes, including the right to transmit, distribute, purchase, furnish, supply and sell natural gas within the Municipality and to transmit and carry the same through such mains and pipes to territory beyond the Municipality, all without charge of license fee therefor and subject to all reasonable police regulations now or hereafter lawfully adopted by the Municipality, pertaining to the use of the streets and the location of such mains, pipes and conduits. (Ord. 1966-1, S1, June 13, 1966)

18.55.020 Obstruction of streets & alleys kept to a minimum. In laying, installing, altering, moving, removing, replacing, renewing, repairing, maintaining, extending and operating said gas mains, pipes, manholes, conduits, feeders, service pipes, and other facilities, appliances, apparatus and structures constructed and installed by the Grantee hereunder, the Grantee shall obstruct the streets, alleys and public places to such extent only as shall be reasonably necessary. (Ord. 1966-1, S2, June 13, 1966)

18.55.030 Barricades, signals placed near excavations to protect public/Insurance coverage. The Grantee may make all necessary excavation and openings in the streets, alleys and other public places of the municipality for the purposes aforesaid, and when making such excavations and openings shall, by signals, guards, barricades or otherwise, protect the public from injury to persons and property, and the Grantee shall agree to keep and maintain in effect at all times a policy of insurance covering bodily injury and property

damage having limits of \$500,000.00 an account of personal injury and \$300,000.00 on account of property damage. The Grantee shall restore all streets, alleys and public places opened by it for the purposes aforesaid, to as nearly as practicable the same order and condition as the same were in before such opening, and shall file a surety bond payable to Gentryville, Indiana IN THE PENAL SUM OF \$2,500.00, conditioned upon performance of such covenant, provided that such bond may be required by the Board of Trustees of the Town of Gentryville to be increased, if it shall be found by them that said original penal sum is insufficient to guarantee full performance of such covenant, but not to exceed \$ 5,000.00. (Ord. 1966-1, S3, June 13, 1966)

18.55.040 Gas supply. The Grantee will use all reasonable diligence and precaution to initiate service of, and thereafter to furnish and maintain a regular, adequate, dependable supply of natural gas for lighting, fuel and all other purposes to the Municipality and the inhabitants thereof. The Grantee's right under this agreement shall not be prejudiced by, and the Grantee shall not be liable for any damage occurring to the Municipality or to any customer in consequence of, any failure to furnish or supply natural gas of any particular character at any time or times if such failure is not accompanied by a default or neglect of the Grantee or is due to strikes, storms, accidents, riots, acts of the public enemy, delays of any common carrier, default of any connecting or of the Grantee's suppliers, judicial process, acts of God, State or Municipal interference, any governmental restrictions or regulations, breakdowns of or injuries to machinery, transmission or distribution system, or necessary repairs, or to other causes beyond the control of the Grantee, its successors or assigns. (Ord. 1966-1, S4, June 13, 1966)

18.55.050 Term of Agreement. This Franchise Agreement shall constitute an indeterminate permit under and pursuant to the terms and provisions of the Public Service Commission Act of the State of Indiana, as amended, and in the event of the repeal of said provision, this franchise agreement shall extend for and during the term of Thirty Years from and after the date that the repeal thereof becomes effective. If however, within Five Years (5) from the date of this Franchise Agreement the Grantee has failed to have the natural gas available for distribution in and to the inhabitants of the Municipality, then the Municipality, by and through its Board of Trustees, may, at its option, terminate this Franchise Agreement and declare the same void and of no legal effect. (Ord. 1966-1, S5, June 13, 1966)

18.55.060 Quality of gas/Rates. The Natural Gas to be furnished to the Municipality and residents and inhabitants thereof shall be of such nature, character and quality, shall be furnished at such pressure and shall be sold at such rate or rates as may from time to time be lawful and be shown on the schedule of applicable rates on file with and approved by the Public Service Commission of Indiana, and in accordance with the laws of the State of Indiana. In case of any lawful change in the schedule of rates or the character of the gas to be furnished by the Grantee within the Municipality, the rate legally applicable shall thereafter be charged. (Ord. 1966-1, S6, June 13, 1966)

18.55.070 Effective when. This Agreement and all of the terms and provisions shall inure to the benefit of and be obligatory upon the parties hereto and the successors and assigns of the parties, and shall be in full force and effect June 13, 1996. (Ord. 1966-1, S7, June 13, 1966)

Chapter 18.62

GRANTING CUMBERLAND TELEPHONE AND TELEGRAPH COMPANY THE RIGHT TO ERECT POLES AND LINES FOR COMMUNICATION

Sections:

- 18.62.010 Right granted to erect and maintain poles**
- 18.62.020 Not to interfere with travel or public improvements**
- 18.62.030 Hold harmless clause**

18.62.010 Right granted to erect and maintain poles. The right is hereby granted to the Cumberland Telephone and Telegraph Company, a corporation of Kentucky, his successors or assigns to erect and maintain upon the streets, alley and public highways of said town the poles, wires and fixtures necessary for the supplying to the citizens of said town and the public, communication by telephone and telegraph. (Ord. 18, S1, Dec. 6, 1901)

18.62.020 Not to interfere with travel or public improvements. Said poles and wires shall be placed and maintained so as to not interfere with travel on said highways or any other public improvement. (Ord. 18, pt. S2, Dec. 6, 1901)

18.62.030 Hold harmless clause. Cumberland Telephone and Telegraph Company shall hold said town of Gentryville, Indiana free and harmless from all damages arising by reason of any abuse or negligence in said occupancy, and this grant is made subject to any reasonable ordinances that said board may pass for the improvements of said street and alleys and highways. (Ord. 18, pt. S2, Dec. 6, 1901)

Chapter 18.64

GRANTING LUCE AND OHIO TOWNSHIP TELEPHONE COMPANY THE RIGHT TO CONSTRUCT AND MAINTAIN POLES, WIRES AND CROSS ARMS FOR TELEPHONE EXCHANGE

Sections:

18.64.010 Right granted to construct and maintain poles, wires and cross arms

18.64.010 Right granted to construct and maintain poles, wires and cross arms. The Luce and Ohio Township Telephone Company, a corporation duly organized under the laws of the State of Indiana, and doing business as such in Spencer County in the State of Indiana, be and the said Luce and Ohio Township Telephone Company is hereby granted the right of way in through and over the streets and alleys of the said town of Gentryville, Indiana with the rights and privileges to construct, maintain and erect, poles, wires, stay-wires, cross-arms and other appliances in, through and over the streets and alleys of said town for the purpose of carrying on the business and operating a telephone exchange and lines within and without the said town of Gentryville provided said poles, wires, and appliances shall be placed and maintained so as to not interfere with public travel on said highways, streets, alleys or any other public improvement. (Ord. No. 20, S1, July 7, 1902)