

**TITLE 18**  
**UTILITIES**

**TITLE 18**  
**UTILITIES**

**Chapters:**

- 18.02 Review of plans and specifications for Utility installations**
- 18.04 Water rates and charges**
- 18.08 Water purchase contract whereby Milltown furnishes water to Marengo**
- 18.10 Removal of water utility from Indiana Utility Regulatory Commission**
- 18.26 Sewer rates and charges**
- 18.46 Natural gas franchise**
- 18.52 Cable TV Franchise**
- 18.60 Stormwater run-off management policy**

## Chapter 18.02

### REVIEW OF PLANS AND SPECIFICATIONS FOR UTILITY INSTALLATIONS

#### Sections:

- 18.02.010**      **Submission of plans**
- 18.02.020**      **Installation according to state specifications**
- 18.02.030**      **Management and costs of installations**

**18.02.010 Submission of plans.** The Town Council requires that all plans and specifications be submitted to the Milltown Utility for review and approval prior to any construction. The town of Milltown will assist the development of the land plans with locations of the proposed facilities and to provide on site inspection to verify that all installations (improvements, extensions, etc.) are in accordance with the plans and specifications. (Ord. 11-92, Nov. 9, 1992)

**18.02.020 Installation according to state specifications.** The Town Council of Milltown will require that all utility installations are in accordance to state specifications. (Ord. 11-92, Nov. 9, 1992)

**18.02.030 Management and costs of installations.** The Town Council of Milltown intends to manage all utility installations by having the developer/contractor pay for all work performed. The Town may perform work on their own providing that the town is reimbursed. No approvals for utility work will be granted until the costs have been clearly defined to the Town's satisfaction. (Ord. 11-92, Nov. 9, 1992)

## Chapter 18.04

### WATER RATES AND CHARGES

#### Sections:

18.04.010	Rates and charges
18.04.011	Public inspection of rates and charges
18.04.020	Uninterrupted supply/Pressure
18.04.030	Private water supply not to enter public water system
18.04.040	Inspection access
18.04.050	Bills due/Delinquent bills
18.04.060	Charges based on water passing through meter
18.04.065	Temporary users
18.04.070	Meter in disrepair
18.04.080	Not read meter
18.04.090	Meter deposit
18.04.100	Consumer responsible for damage to meter
18.04.110	Check valve
18.04.120	Ordinary repairs to meters
18.04.130	Proper facilities for meter service
18.04.140	Meter holder connections
18.04.150	Location of meter
18.04.155	Main extensions to areas not served
18.04.160	Connection for new user
18.04.180	Water service line installations
18.04.190	Maintenance of service lines on private property
18.04.200	Fire hydrants for fire protection
18.04.205	Water service to two or more customers
18.04.210	Shutting off water
18.04.215	Each lot to be served by a direct service pipe
18.04.220	Water service reconnected
18.04.230	Consumer shall not turn water on
18.04.240	Discontinuance of water service
18.04.250	Enforcement

**18.04.010 Rates and charges.** That there shall be and there are hereby established for the use of and service rendered by the waterworks system of the Town of Milltown, the following rates and charges based on the use of water supplied by the said waterworks system:

(1)	<u>Metered water usage per month</u>	<u>Rate Per 1000 Gallons</u>
	First 2,500 gallons	\$ 4.72
	Next 2,500 gallons	4.14
	Next 10,000 gallons	2.95
	Next 10,000 gallons	2.36
	Next 25,000 gallons	1.78
	Over 50,000 gallons	1.17

(Ord. 1990-4, S1(a), Oct. 22, 1990) (Cause No. 36381, Public Service Commission, April 14, 1981) (Ord. 1981-0-2, S1(a), Feb. 2, 1981) (Ord. 1978-W-1A, S1(a), June 19, 1978) (Ord. 1978-W-1, No date) (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S1(a), Oct. 7, 1935)

(2)	<u>Monthly Minimum Charges</u>	
	5/8 – 3/4 Inch Meter	\$ 11.79
	1 Inch Meter	23.53
	1 1/2 Inch Meter	35.30
	2 Inch Meter	58.84
	3 Inch Meter	128.59
	4 Inch Meter	181.17

(Ord. 1990-4, S1(b), Oct. 22, 1990) (Ord. 1981-0-2, S1(b), Feb. 2, 1981) (Ord. 1978-W-1A, S1(b), June 19, 1978) (Ord. 1978-W-1, No date) (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S1(b), Oct. 7, 1935)

(3)	<u>Fire Protection Charges</u>	<u>Charges Per Annum</u>
	Automatic sprinkler systems	\$ 323.59
	Fire hydrant	353.01

(Ord. 1990-4, S1(c), Oct. 22, 1990) (Ord. 1981-0-2, S1(c), Feb. 2, 1981) (Ord. 1978-W-1A, S1(d), S1(e), June 19, 1978) (Ord. 1978-W-1, No date) (Ord. 7-1935, S1(c), Oct. 7, 1935)

(4)	<u>Wholesale Sales</u>	<u>Rate per 1,000 gallons</u>
	Town of Marengo	\$ 1.85

(Ord. 1990-4, S1(d), Oct. 22, 1990) (Ord. 1981-0-2, S1(e), Feb. 2, 1981)

(5)	<u>Bulk Sales</u>	<u>Rate per 500 gallons or fraction thereof</u>
	Water Hauling Charges	\$ 2.85

(Ord. 1990-4, S1(e), Oct. 22, 1990) (Ord. 1981-0-2, S1(f), Feb. 2, 1981) (Ord. 1978-W-1A, S1(g), June 19, 1978)

(6) Penalty Charges

Ten per cent (10%) of the First \$3.00, and three per cent (3%) of the excess over \$3.00.

(Ord. 1990-4, S1(f), Oct. 22, 1990) (Ord. 1981-0-2, S1(d), Feb. 2, 1981) (Amendments per Public Service Commission, Oct. 5, 1978-Order #35398) (Ord. 1978-W-1A, S1(f), June 19, 1978) (Ord. 1978-W-1, No date) (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S3(a), Oct. 7, 1935)

(7) Bad Check Charges

For each check returned to the utility \$ 15.00

(Ord. 1990-4, S1(g), Oct. 22, 1990)

(8) Connection Charges

5/8 Inch Meter Actual cost, but not less than \$400.00

Oversized Meters Actual cost, but not less than amount charged for 5/8 inch meter

(Ord. 1990-4, S1(h), Oct. 22, 1990)

(9) Reconnection Charges

For Reconnection due to Non-Payment during regular business hours \$ 20.00

For Reconnection due to Non-Payment not during regular business hours \$ 40.00

(Ord. 1990-4, S1(i), Oct. 22, 1990) (Appendix B to Cause #36381 Public Service Commission, Dec. 20, 1984) (Ord. 7-1935, S5(b), Oct. 7, 1935)

(10) Meter Test Charge

First test within 12 month period No Charge

Additional tests, if meter checks out accurately \$ 20.00

(Ord. 1990-4, S1(j), Oct. 22, 1990)

**18.04.011 Public inspection of rates and charges.** A copy of the Schedules of Rates and Charges and Rules and Regulations as approved by the Public Service Commission of Indiana shall be on file at the office of the waterworks and/or any place where patrons pay their water bills, for public inspection. (Ord. unnumbered, May 19, 1952)

**18.04.020 Uninterrupted supply/Pressure.** The Town of Milltown does not guarantee an uninterrupted supply, or a sufficient or uniform pressure, and shall not be liable for any damage or injury done by reason of the interruption of supply or variations of pressure. (Ord. 7-1935, S2(a), Oct. 7, 1935)

**18.04.030 Private water supply not to enter public water system.** The Town of Milltown accepts no responsibility for the safety of private water supplies within the premises of the person, firm or corporation providing them. In cases, however, where the consumer having a private supply may desire a connection to the public supply, the Town of Milltown is concerned with the protection of its system against the entry of any water from private supplies; and in such cases will exercise due care to prevent contamination of the public supply. Connection to the service lines of consumers, who maintain within their property private secondary or auxiliary supplies, will in all cases be governed by the current rules of the Indiana Division of Public Health. The present compilation of these Rules is Engineering Bulletin No. 10. (Ord. 7-1935, S2(b), Oct. 7, 1935)

**18.04.040 Inspection access.** A Waterworks representative shall have the right to inspect at any time reasonable all service piping and water appurtenances inside consumers' premises. (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S2(c), Oct. 7, 1935)

**18.04.050 Bills due/Delinquent bills.** All bills shall be due the 15<sup>th</sup> of the following month, or on the next day following a holiday or Sunday if the 15<sup>th</sup> falls thereon.

On all bills not paid on or within ten (10) days after the due date thereof, there shall be added collection charges as follows:

One first \$3.00 of unpaid billing	10%
And on balance of unpaid billing	3%

Any water arrearage charges against customer, the said customer will be given a first notice of same with present billing. Fifteen days later a second notice of arrearage shall be served upon said arrearaged customer. On second billing for current charges and arrearages, a third notice shall be served upon said customer stating that on the third billing for service, the current billing and subsequent billings plus 10% of initial arrearages shall be paid within 15 days or service will be disconnected. Once disconnected a minimum of fifty dollars (\$50.00) deposit plus all arrearages must be paid before service will be restored. (Ord. 1992-01, Feb. 17, 1992) (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S3(a), Oct. 7, 1935)

**18.04.060 Charges based on water passing through meter.** All water passing through a meter shall be charged for whether used or wasted. While the Town of Milltown may elect to assist the consumer in determining the cause of abnormal use, it is under no commitment to do so and the consumer is not authorized to suspend payment of his account under such circumstances. (Ord. 7-1935, S3(b), Oct. 7, 1935)

**18.04.065 Temporary users.** In case of temporary users such as contractors, street fairs, carnivals, etc., the Clerk-Treasurer or Superintendent shall be authorized to demand payment in advance for the amount of water estimated to be required. (Ord. unnumbered, May 19, 1952)

**18.04.070 Meter in disrepair.** In case of failure of any meter, the Town may bill consumption on the average of billings for last six (6) months before meter failed to register properly. (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S3(c), Oct. 7, 1935)

**18.04.080 Not read meter.** When meter readers, after due effort, are unable to gain access to a consumers property to read the meter, the subsequent bill shall be marked "N.R." (not read) and rendered for the minimum amount accruing to the size of the meter installed. In cases where the use of water by the consumer normally exceeds the minimum for the size meter installed, an estimated bill based upon the average of the previous three readings will be rendered.

When the meter reading is procured the charge for water service will be adjusted in accordance with the recorded consumption. The Town of Milltown reserves the right to discontinue service (after written notice) to consumers whose meters it has not been able to read for a three months period. (Ord. 7-1935, S3(d), Oct. 7, 1935)

**18.04.090 Meter deposit.** When service is furnished by meter measurement, the Town of Milltown will require a meter deposit of Five Dollars (\$5.00) for each 5/8 inch meter supplying a single residence occupied by one family, unless the monthly consumption is in excess of the amount covered by the deposit. In other cases the town of Milltown may increase the amount of the deposit to an amount not in excess of that accruing for an estimated 60-day service. (Ord. 7-1935, S3(e), Oct. 7, 1935)

**18.04.100 Consumer responsible for damage to meter.** The consumer will be held responsible for all damage to the meter caused by backing up of steam or hot water, due to building up in the hot water system of a pressure greater than the pressure in the mains, and/or for damage caused by freezing. (Ord. 7-1935, S4(a), Oct. 7, 1935)

**18.04.110 Check valve.** Should the consumer desire to install a check valve to protect the meter against such damage, precautions should be taken to relieve excess pressure in the hot water system. (Ord. 7-1935, S4(b), Oct. 7, 1935)

**18.04.120 Ordinary repairs to meters.** Ordinary repairs to meters will be made by the town of Milltown at its expense. In case of damage to a meter by frost or hot water, or by reason of any act or omission of the consumer, the consumer shall pay the town of Milltown the cost of its repair on presentation of a bill. (Ord. 7-1935, S4(a), Oct. 7, 1935)

**18.04.130 Proper facilities for meter service.** All consumers will be required to construct the proper facilities for meter service, including meter pits if necessary. (Ord. 7-1935, S4(d), Oct. 7, 1935)



**18.04.140 Meter holder connections.** The Town of Milltown will at its own expense and without charge to the consumer furnish the connections for the holding of the meter. (Ord. 7-1935, S4(e), Oct. 7, 1935)

**18.04.150 Location of meter.** All water meters shall be installed outside in tiles or inside consumers' premises in the location and manner as selected by either the Clerk-Treasurer or Superintendent. Any refusal of prospective user to agree to meter location and/or installation to serve the best interests of the Town, shall, at the option of the Town Board of Trustee, be sufficient reason to refuse water service until such requirements shall have been met. (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S4(f), Oct. 7, 1935)

**18.04.155 Main extensions to areas not served.** Main extensions to areas not previously served shall be made in conformity to the "rules and Standards of Service for Water Utilities" as approved by the Public Service Commission of Indiana. (Ord. unnumbered, May 19, 1952)

**18.04.160 Connection for new user.** All taps for water service in the mains of the waterworks system shall be made under the direct authority and supervision of the Waterworks Clerk-Treasurer, or Superintendent. All applications for new service shall be made to either the Clerk-Treasurer or Superintendent. (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S5(a), Oct. 7, 1935)

**18.04.180 Water service line installations.** In installations of water service lines wherein the meter is or is to be installed at a point beyond the property line, the service line from the curb-stop to the meter shall be of extra heavy galvanized steel pipe or of a material more suitable, in the opinion of the Town of Milltown, for underground service pipe. Water service pipe in such installations shall be laid at a depth of not less than 1' – 6" throughout its length. (Ord. 7-1935, S5(c), Oct. 7, 1935)

**18.04.190 Maintenance of service lines on private property.** The consumer shall maintain all service lines within his property. Whenever there is waste of water between the property line and the meter, the department reserves the right to shut off the water and to keep it off until repairs have been made. (Ord. Unnumbered, May 19, 1952) (Ord. 7-1935, S5(d), Oct. 7, 1935)

**18.04.200 Fire hydrants for fire protection.** No person shall take water from any fire hydrant except for fire protection purposes, except under authority of an employee or official of the waterworks. (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S6, Oct. 7, 1935)

**18.04.205 Water service to two or more customers.** Any service pipe that supplies two or more customers shall be provided with a separate stop-cock and separate meter for each customer, with minimum charge, when consumption is minimum or under, applicable to each meter. (Ord. unnumbered, May 19, 1952)

**18.04.210 Shutting off water.** Water shall be turned on or off at curb cock in front of meter only by a Waterworks employee and not by a water customer. All service pipes must have stop and waste cocks between outside meter and customers' premises for emergency shut-offs and making of repairs. (Ord. unnumbered, May 19, 1952) (Ord. 7-1935, S7(a), Oct. 7, 1935)

**18.04.215 Each lot to be served by a direct service pipe.** In no case shall service pipes be allowed to be constructed and run from one lot to another, but each lot shall be served by a service pipe directly from the distribution main serving the premises involved. (Ord. unnumbered, May 19, 1952)

**18.04.220 Water service reconnected.** When the meter has been shut off by the Town of Milltown, it will not be turned on except on application from the consumer, the payment of the turn-on charge, and when the Town of Milltown's agent turning it on has access to the inside of the building. (Ord. 7-1935, S7(b), Oct. 7, 1935)

**18.04.230 Consumer shall not turn water on.** Whenever the Town of Milltown has turned off the water from any consumer for any reason, the consumer shall not turn it on, nor employ any other person to do so. (Ord. 7-1935, S7(c), Oct. 7, 1935)

**18.04.240 Discontinuance of water service.** Water service to any consumer may be discontinued for any of the following reasons:

- (1) Wasting or improper use after same has been called to his attention.
- (2) Refusal or failure to pay bills within the prescribed time.
- (3) For interfering with or destroying any water appurtenances or appliances belonging to the Town. (Ord. Unnumbered, May 19, 1952) (Ord. 7-1935, S7(d), Oct. 7, 1935)

**18.04.250 Enforcement.** The Superintendent of the Municipal Water Plant is authorized to enforce said rules and regulations as hereinabove set out. (Ord. 7-1935, S8, Oct. 7, 1935)

## Chapter 18.08

### WATER PURCHASE CONTRACT WHEREBY MILLTOWN FURNISHES WATER TO MARENGO

#### Sections:

18.08.010	Agreement to furnish water
18.08.020	Reasonably constant pressure
18.08.030	Maintenance of meter at point of delivery
18.08.040	Meter reading and statement
18.08.050	Quantity of water purchase
18.08.060	Water over the minimum
18.08.070	Contract term
18.08.080	Rate subject to Public Service Commission
18.08.090	Arbitrator for unresolved issues
18.08.100	Temporary or partial failure to deliver water
18.08.110	Hold harmless clause
18.08.120	Violation of any terms of this contract
18.08.125	Execution date of contract
18.08.130	Contract may be assigned
18.08.140	Rate for resale

**18.08.010 Agreement to furnish water.** The Town of Milltown agrees to furnish to the Town of Marengo at the point of delivery at the east end of the said water main running from the Town of Marengo to the Town of Milltown during the term of this contract and any extension thereof, potable treated water meeting the purity standards of the State Board of Health. (Ord. 1981-0-3, S1, March 11, 1981)

**18.08.020 Reasonably constant pressure.** That water will be furnished at a reasonably constant pressure to the east end of the said water main heretofore installed by the said Town of Marengo. Emergency failure of pressure or supply due to main supply breaks, power failure, flood, fire and use of water to fight fire, earthquake or other catastrophe shall excuse the Town of Milltown on this provision for such reasonable period of time as may be necessary to restore service. (Ord. 1981-0-3, S2, March 11, 1981)

**18.08.030 Maintenance of meter at point of delivery.** The Town of Milltown will furnish, install, calibrate, operate and maintain at its own expense at the point of delivery, the necessary standard metering equipment for properly measuring the quantity of water delivered to the said town of Marengo and to calibrate such metering equipment whenever requested to do so by the Town of Marengo but not more frequently than once every twelve months. A meter registering not more than two percent (2%) above or below the test results shall be deemed to be accurate. The previous reading of any meter disclosed by tests to be inaccurate shall be corrected for the two months previous to such tests in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount

of water delivered in the corresponding period immediately prior to the failure, unless the towns agree upon a different amount. The metering equipment shall be read monthly. An appropriate official of the town of Marengo shall have access to the meter for the purpose of verifying its readings at reasonable times. (Ord. 1981-0-3, S3, March 11, 1981)

**18.08.040 Meter reading and statement.** On or about the 15th day of each calendar month the Town of Milltown will read the meter metering the quantity of water furnished to the Town of Marengo during the preceding monthly period following the preceding reading and will then promptly forward a statement of the amount due therefor to the Town of Marengo at a rate to be fixed from time to time by the Public Service Commission of Indiana. The town of Marengo will then pay the amount of such statement on or before the 20th day of the following calendar month. (Ord. 1981-0-3, S4, March 11, 1981)

**18.08.050 Quantity of water purchase.** The Town of Marengo agrees to purchase from the Town of Milltown 500,000 gallons per month and to take said quantity at a reasonably constant rate. The quantity of water stated per month is a minimum quantity. The Town of Marengo agrees to pay for the minimum monthly quantity of water even if it is not used by the Town of Marengo, as hereinafter set forth and agrees to take said water each month or to pay therefor if not taken, effective upon the completion of the project for enlarging and improving its water system which the town of Milltown now has under way. (Ord. 1981-0-3, S5, March 11, 1981)

**18.08.060 Water over the minimum.** Water over and above the minimum amount per month will be furnished to the Town of Marengo by the Town of Milltown in such quantities and to such an extent as may be required by the said Town of Marengo but not to the extent that the water supply for the Town of Milltown's own customers would be impaired. (Ord. 1981-0-3, S6, March 11, 1981)

**18.08.070 Contract term.** This contract shall continue in force and effect for 40 years unless mutually terminated by the parties. (Ord. 1981-0-3, S7, March 11, 1981)

**18.08.080 Rate subject to Public Service Commission.** The rate or charge to be charged the Town of Marengo under this contract is to be subject to further orders of the Public Service Commission of Indiana from time to time. In any event, however, there shall be no change in such rate based upon increased capitalization of the Town of Milltown's water system attributable to customers other than the said Town of Marengo. (Ord. 1981-0-3, S8, March 11, 1981)

**18.08.090 Arbitrator for unresolved issues.** In the event issues arise between the parties which are not resolved by the Public Service Commission of Indiana or otherwise by the parties then the same shall be submitted to an arbitrator selected from the American Arbitration Association within 30 days after notification by the aggrieved party to the other party. (Ord. 1981-0-3, S9, March 11, 1981)

**18.08.100 Temporary or partial failure to deliver water.** The Town of Milltown shall not be liable to the Town of Marengo for failure to supply water pursuant to this contract when

water is physically not available due to causes beyond the control of the Town of Milltown. The Town of Milltown will at all times operate and maintain its system in an efficient manner and will promptly take such action as may be necessary to serve the Town of Marengo with the quantity of water required by it within the capacity of the system as of the completion of the current project for enlarging and improving the Town of Milltown's water system. Temporary or partial failure to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water or if the supply of water available to the Town of Milltown is otherwise limited over an extended period of time, the supply of water to the customers of the Town of Marengo shall be reduced or diminished in the same ratio or proportion as the supply of water to the customers of the Town of Milltown and no more. (Ord. 1981-0-3, S10, March 11, 1981)

**18.08.110 Hold harmless clause.** The Town of Marengo hereby agrees to hold and save harmless the Town of Milltown, its officers, agents and employees, from liability of any nature or kind for or on account of any claim or damages which may be filed or asserted as a result of the operation of the water system of the said Town of Marengo. (Ord. 1981-0-3, S11, March 11, 1981)

**18.08.120 Violation of any terms of this contract.** Upon the breach or violation of any of the terms of this contract by either party, the other may proceed to enforce the terms of this contract in the court having jurisdiction, in the event the matter cannot be arbitrated as hereinabove set forth or resolved by the Public Service Commission. This contract is subject to the approval of the State Director of the Farmers Home Administration. (Ord. 1981-0-3, S12, March 11, 1981)

**18.08.125 Execution date of contract.** In Witness Whereof, the parties hereto, acting under the authority vested in them by law do now cause this contract to be duly executed for and on behalf of the parties hereto on this 11<sup>th</sup> day of March, 1981. (Ord. 1981-0-3, March 11, 1981)

**18.08.130 Contract may be assigned.** This contract may be assigned by either of the parties and shall be binding upon the assignees and successors of the parties, it being agreed and understood by the parties that under the law of the State of Indiana the said Water Purchase Contract would be assignable. (Ord. 1981-0-4, S1, March 24, 1981)

**18.08.140 Rate for resale.** The rate schedule or tariff which has been set by the Town of Milltown is contained in the rates and charges section 18.04. In the event the rate is modified it shall be made a part of this agreement. See Chapter 18.04 for current rates and charges. (Ord. 1990-4, S1(d), Oct. 22, 1990) (Ord. 1981-0-4, S2, March 24, 1981)

## Chapter 18.10

### REMOVAL OF WATER UTILITY FROM INDIANA UTILITY REGULATORY COMMISSION

#### Sections:

<b>18.10.010</b>	<b>Removed</b>
<b>18.10.020</b>	<b>Functions assumed by Town Board</b>
<b>18.10.030</b>	<b>Effective when</b>
<b>18.10.040</b>	<b>Publication</b>

**18.10.010 Removed.** The Town of Milltown Municipal Water Utility is hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness. (Ord. 02-95, Sept. 14, 1995) (Ord. 1990-1, S1, June 25, 1990)

**18.10.020 Functions assumed by Town Board.** The Town Board for the Town of Milltown, Crawford/Harrison Counties, Indiana, the legislative body thereof, shall assume the functions of the Indiana Utility Regulatory Commission for approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness for the Town of Milltown Municipal Water Utility. (Ord. 1990-1, S2, June 25, 1990)

**18.10.030 Effective when.** This ordinance shall become effective sixty (60) days after its passage unless objections according to law are made thereto within the sixty (60) day period. (Ord. 1990-1, S3, June 25, 1990)

**18.10.040 Publication.** The Clerk-Treasurer of the Town of Milltown, Crawford/Harrison Counties, Indiana, is hereby directed to publish this ordinance according to law. (Ord. 1990-1, S4, June 25, 1990)

Chapter 18.26

SEWER RATES AND CHARGES

Sections:

- 18.26.010 Rates and charges
- 18.26.020 Rates established when
- 18.26.030 Enforcement of by-laws and regulations
- 18.26.040 Definitions
- 18.26.050 Harmful wastes
- 18.26.060 Grey water dumping

**18.26.010 Rates and charges.** For the use of and the services rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary sewerage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town of Milltown, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) Except as hereinafter otherwise provided, sewage rates and charges shall be established at a flat minimum monthly rate for the classifications hereinafter listed and set forth and sewage bills shall be rendered monthly unless otherwise agreed upon between the Town Board of Trustees and the property owner in any special instance or classification. (Ord. 2005-1s, S1, Oct. 10, 2005) (Ord. 2-1964, S1(a), Jan. 12, 1965)
- (2) The schedule of base rates and charges and the special classifications therefore for the use of and service rendered by the Milltown Municipal Sewage Works is currently as follows:

A.	<u>Base Rates and Charges</u>	<u>Monthly Charges</u>
	5/8 Inch Meter	\$ 24.30
	1 Inch Meter	34.80
	1 1/2 Inch Meter	55.70
	2 Inch Meter	212.40
	3 Inch Meter	-----
	4 Inch Meter	-----
B.	<u>Treatment Charge per 1,000 Gallons</u>	\$ 5.40

C.	<u>Connection Charges</u>		
	5/8	Inch Meter	Actual cost, but not less than
	1	Inch Meter	\$500.00
	1 1/2	Inch Meter	
	2	Inch Meter	
	3	Inch Meter	
	4	Inch Meter	

(Ord. 2005-1s, S2, Oct. 10, 2005) (Ord. 1990-3, S1(b), Oct. 22, 1990) (Ord. 2-1964, S1(b), Jan. 12, 1965)

D. Be it resolved that Churches, Lodges and the American Legion hooked to sanitary sewer inside corporate limits only be charged the flat rate for sewage each month. (Resolution 1-1992, Mar. 9, 1992)

- (3) In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town shall have the right to base its charges not only on the minimum flat rate established, but also on the strength and character of the sewage and wastes for which it is required to treat and dispose of, either directly or indirectly, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. (Ord. 2-1964, S1(c), Jan. 12, 1965)
- (4) The said Town of Milltown shall be subject to and required to pay the rates and charges as hereinabove established, or rates and charges established in harmony therewith. (Ord. 2-1964, S1(d), Jan. 12, 1965)
- (5) The rates and charges shall be billed by the Town of Milltown, and shall be collected in the manner provided by law and ordinance. Bills for property located in the different sections or wards of the Town may be made as of different days of each month for the preceding month with the first billing for any property served by the sewage system being for a period of more or less than one month in order to inaugurate such a staggered collection procedure, and depending upon the date on which the rates established by this Ordinance become effective. (Ord. 2-1964, S1(e), Jan. 12, 1965)
- (6) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owners, but such billings shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office at which said records are kept and



during the hours that such office is open for business. (Ord. 2-1964, S1(f), Jan. 12, 1965)

- (7) Any sewer arrearage charges against customer, the said customer will be given a first notice of same with present billing. Fifteen days later a second notice of arrearage shall be served upon said arrearaged customer. On second billing for current charges and arrearages, a third notice shall be served upon said customer stating that on the third billing for service, the current billing and subsequent billings plus 10% of initial arrearages shall be paid within 15 days or service will be disconnected. Once disconnected a minimum of fifty dollars (\$50.00) deposit plus all arrearages must be paid before service will be restored. (Ord. 1992-01, Feb. 17, 1992)
- (8)
  - A. The Town of Milltown, Indiana resolves to the Citizens of Milltown, Indiana, a ten (10) % reduction in sewage charges during the month of July, August and September.
  - B. The reduction in sewage charges will be shown on the billing of August, September and October.
  - C. Reduction of 20% of Sewage bill for Business and/or Commercial users year round. (Res. 1992-11, July 13, 1992)

**18.26.020 Rates established when.** The rates and charges fixed and established by this Ordinance shall become effective as to all users as of the date the new sewer passes each property and is available for their respective hook up and use or within eight months from the date of the issuance of the revenue bonds being issued to finance construction, whichever is the sooner. The rates and charges shall be extended to and cover all the additional users thereafter served without the necessity of any notice or hearing. (Ord. 2-1964, S2, Jan. 12, 1965)

**18.26.030 Enforcement of by-laws and regulations.** The rates and charges established by this Ordinance shall be collected by the Town. The Board of Trustees shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewerage system, regulator chambers, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges. (Ord. 2-1964, S3, Jan. 12, 1965)

**18.26.040 Definitions.** For the purpose of this ordinance, the terms “sanitary sewage” and “industrial wastes” shall be defined as follows:

- (1) “Sanitary sewage” is hereby defined as the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, refrigerator drips, drinking fountains and stable floor drains.

- (2) “Industrial wastes” are hereby defined as being the liquid waste resulting from any commercial, manufacturing or industrial operation or process. (Ord. 2-1964, S4, Jan. 12, 1965)

**18.26.050 Harmful wastes.** The Board of Trustees shall prohibit dumping of wastes into the Town sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of said Town, or to require methods affecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Board. (Ord. 2-1964, S5, Jan. 12, 1965)

**18.26.060 Grey water dumping.** The Town of Milltown sets forth a Resolution that the dumping of grey water shall be received into the Milltown Sewage System for the sum of Thirty (30) Dollars per 1,500 gallon load, (1,500) gallon the maximum load. This charge is the set fee unless otherwise agreed upon by the Town Council of the Town of Milltown. (Res. 1992-07, June 8, 1992)

## Chapter 18.46

### NATURAL GAS FRANCHISE

#### Sections:

18.46.010	Granting franchise to Indiana Natural Gas Corporation
18.46.020	No interference with existing utilities
18.46.030	Proposed location of pipes report/Replacing pavement after excavations
18.46.040	Right to temporarily shut off gas
18.46.050	Hold harmless clause
18.46.060	Extension of service
18.46.070	Adequate supply of gas
18.46.080	Rules and regulations
18.46.090	Separability of provisions
18.46.100	Feasibility of furnishing natural gas
18.46.110	Publication of Ordinance
18.46.120	Effective date

**18.46.010 Granting franchise to Indiana Natural Gas Corporation.** That subject to the terms, conditions and provisions hereinafter stated and set forth, there is hereby granted to Indiana Natural Gas Corporation, its successors and assigns, the right to construct, erect, maintain and operate a gas works and storage facilities within the corporate limits of the Town of Milltown, Indiana, for the purpose of supplying gas to the said Town and the inhabitants thereof, and territory in the vicinity of said Town and is hereby granted the right-of-way along, through and under the streets, avenues, alleys, lanes, sidewalks, public squares and public places in said incorporated Town of Milltown, Indiana, for the purpose of laying, constructing, maintaining, removing, using and operating one or more lines of gas main and branch pipe with the necessary feeders, service pipes, valves, regulators and other devices necessary or convenient to the successful operation of such lines and pipes in the supplying, storing, conducting and delivering of gas to the Town of Milltown, Indiana, and inhabitants thereof and territory in the vicinity of said Town. (Ord. 1-1965, S1, Jan. 26, 1965)

**18.46.020 No interference with existing utilities.** In the work of laying, removing, changing, repairing, or replacing its pipes, mains, feeders, equipment, or appurtenances, the said Indiana Natural Gas Corporation shall not unnecessarily obstruct or interfere with nor change any existing arrangements such as sewers, water mains, or other public or private works in said incorporated Town. (Ord. 1-1965, S2, Jan. 26, 1965)

**18.46.030 Proposed location of pipes report/Replacing pavement after excavations.** That the said Indiana Natural Gas Corporation, its successors and assigns, shall before beginning the laying of any pipes, mains or conduits, make a report to the Town Clerk or the Superintendent of Streets for the Town of Milltown, Indiana, stating the locations within the Town limits where such pipes, mains and conduits are proposed to be laid. Said Indiana Natural Gas Corporation after doing any excavating shall replace all materials, excepting

surfacing materials or pavement which have been removed and shall leave the fill in a neatly graded condition. After said excavations have been sufficiently settled, filled and are ready for repaving and resurfacing, said Indiana Natural Gas Corporation will so notify the Town authorities. Upon receipt of notice as aforesaid that excavations made hereunder have been refilled and are ready for resurfacing, or repaving, the Town shall thereupon undertake such resurfacing or repaving and shall do the same in a proper manner. All expenses properly incident to the cost of repaving or resurfacing shall be borne by said Indiana Natural Gas Corporation and the amount thereof shall be paid promptly to the said Town within a reasonable time after receipt by the said Indiana Natural Gas Corporation of invoices covering same. (Ord. 1-1965, S3, Jan. 26, 1965)

**18.46.040 Right to temporarily shut off gas.** Said Indiana Natural Gas Corporation shall have the right to temporarily shut off gas, to be supplied hereunder for any of the purposes by this ordinance permitted, from its main and service pipes, or any part thereof, provided, however, that such action shall in each case be taken for the sole and express purpose of making repairs or extensions to works or mains or service pipes or for safety reasons and said Indiana Natural Gas Corporation shall not be liable to the said Town or to any customer or consumer of gas for any damage caused by each temporary suspension of the supply of gas; provided, however, that said repairs and extensions are made with due diligence by the said Indiana Natural Gas Corporation. (Ord. 1-1965, S4, Jan. 26, 1965)

**18.46.050 Hold harmless clause.** That the said Indiana Natural Gas Corporation, its successors and assigns, shall at all time hold and save the incorporated Town of Milltown, Indiana, harmless from any and all liability, loss, cost, damage, or expenses which may accrue to said incorporated Town of Milltown, by reason of the neglect, default or misconduct of the Indiana Natural Gas Corporation, in the construction, operation, or maintenance of its facilities hereunder. (Ord. 1-1965, S5, Jan. 26, 1965)

**18.46.060 Extension of service.** Indiana Natural Gas Corporation, successors, and assigns, shall be required to extend its lines to take care of any consumer in the incorporated Town of Milltown, who desires to use gas at any time, provided, however, that said Indiana Natural Gas Corporation shall not be required to extend its lines beyond the curb immediately adjacent to the abutting properties or the property line of customers, nor more than one hundred (100) feet of main for each customer to be served (Ord. 1-1965, S6, Jan. 26, 1965)

**18.46.070 Adequate supply of gas.** That Indiana Natural Gas Corporation, its successors and assigns, hereby agree to make available to the Town of Milltown, Indiana, and its inhabitants an adequate supply of gas for normal purposes, except that the Indiana Natural Gas Corporation shall not be responsible or liable for delay or failure in the performance of the premises and agreement on its part to be performed hereunder, if such delay or failure be due to any cause beyond their control, such as but not limited to strikes, fires, floods, storms, accidents, acts of public enemies, mobs or rioters, and acts of God, or inability of Indiana Natural Gas Corporation to obtain adequate gas from its pipe line suppliers. (Ord. 1-1965, S7, Jan. 26, 1965)

**18.46.080 Rules and regulations.** Said Indiana Natural Gas Corporation shall have the power to make all needful rules and regulations for the collection of its revenues, the prevention of waste of its property and gas supply, and the conduct and management of business as it may, from time to time, deem necessary. (Ord. 1-1965, S8, Jan. 26, 1965)

**18.46.090 Separability of provisions.** In the event that the Public Service Commission of Indiana or any other body, board, commission or court of competent jurisdiction shall adjudge any provision or provisions of this ordinance invalid or illegal, or direct a change by Indiana Natural Gas Corporation in any matter or thing therein contained, such invalidity or illegality or change shall in no way affect the remaining provisions of this ordinance, or their validity or legality, and this ordinance, in all other respects shall continue in full force and effect, as if said provision or provisions had not been so adjudged invalid or illegal or such change directed. (Ord. 1-1965, S9, Jan. 26, 1965)

**18.46.100 Feasibility of furnishing natural gas.** This ordinance shall take effect and be in force from and after its passage and publication in accordance with law and shall thereafter continue in effect as an indeterminate permit pursuant to statute and under and upon such terms and conditions as prescribed by the Public Service Commission of the State of Indiana. Said Indiana Natural Gas Corporation agrees that within six (6) months from the date of this franchise that it will furnish to the Town of Milltown a report showing whether it is or is not feasible to furnish natural gas service as provided herein. If in the opinion of said Indiana Natural Gas Corporation it is not feasible to furnish Natural gas service as provided herein it will forthwith surrender this franchise. If in its opinion it is feasible to furnish Natural gas service as provided herein it shall proceed with due diligence to that end. If, however, Natural gas service is not available as herein provided at the end of two (2) years from the date of acceptance of this franchise the Town of Milltown, may terminate said franchise provided such failure is not due to the unavailability of Natural Gas. (Ord. 1-1965, S10, Jan. 26, 1965)

**18.46.110 Publication of Ordinance.** Indiana Natural Gas Corporation shall pay for the publication of this ordinance. (Ord. 1-1965, S11, Jan. 26, 1965)

**18.46.120 Effective date.** This ordinance and all of its terms and provisions shall inure to the benefits of and be obligatory upon the parties hereto and the successors and assigns of the parties, and shall be in full force and effect from and after the date of its being approved and adopted by the Town of Milltown. (Ord. 1-1965, S12, Jan. 26, 1965)

## Chapter 18.52

### CABLE TV FRANCHISE

#### Sections:

#### 18.52.010 Transfer

**18.52.010 Transfer.** The Town of Milltown consents to the transactions contemplated by the TWF Agreement and the Purchase Agreement and further resolves as follows:

- (1) Town of Milltown consents to the transfer to FCILP of the Franchise and the cable system serving Town of Milltown effective upon the closing of the transactions contemplated by the TWP Agreement;
- (2) Town of Milltown further consents to the transfer by FCILP to Charter of ownership and control of the cable system serving Town of Milltown effective upon the closing of the transactions contemplated by the Purchase Agreement;
- (3) Town of Milltown confirms that:
  - A. the Franchise is valid and outstanding and in full force and effect;
  - B. there have been no amendments or modifications to the Franchise, except as set forth herein;
  - C. TWFanch-one Co. is materially in compliance with the provisions of the Franchise; and
  - D. there are no defaults under the Franchise, or events which, with the giving of notice or passage of time or both, could constitute events which, with the giving of notice or passage of time or both, could constitute events of default thereunder.
- (4) Charter may:
  - A. assign or transfer its assets, including the Franchise provided however, that such assignment or transfer is to a parent or subsidiary of Charter or another entity under direct or indirect control of Paul Allen;
  - B. restructure debt or change the ownership interests among existing equity participants in Charter, and/or its affiliates;

- C. pledge or grant a security interest to any lender(s) of Charter's assets, including but not limited to the Franchise or of interests in Charter, for purposes of securing an indebtedness, without obtaining prior consent of Town of Milltown;
  - D. sell capital stock of Charter, or any of Charter's affiliate companies, in a transaction commonly known as an "initial public offering".
- (5) This Resolution shall take effect immediately. (Agreement dated Oct. 12, 1999)

## Chapter 18.60

### STORMWATER RUN-OFF MANAGEMENT POLICY

#### Sections:

#### 18.60.010 Stormwater run-off policy

**18.60.010 Stormwater run-off policy.** The Town Council for the Town of Milltown resolves that the impact of storm water run-off from all developed or developing territory located within the Town of Milltown should be considered in public and private projects alike with the town by weighing the risks, benefits, and costs to property owners affected and the general public as a whole. (Res. 2001-01, Mar. 12, 2001)