

TITLE 18
UTILITIES

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Chapters:

- 18.04 Water rules and regulations**
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Chapter 18.04

WATER RULES AND REGULATIONS

Sections:

- 18.04.010 No free service**
- 18.04.020 Two or more households using one meter**
- 18.04.030 Temporary hookups**

18.04.010 No free service. No free service of said water system shall be permitted; and each residence, each commercial establishment, and each industry shall be individually metered. (Ord. 652, S2, June 16, 1981)

18.04.020 Two or more households using one meter. In no case will two or more households of a permanent nature be allowed to connect together and obtain water through one meter. Effective January 1, 1970. (Res. 2-1969, S1, Dec. 2, 1969)

18.04.030 Temporary hookups.

- (1) In the case a temporary home such as a trailer or mobile home is connected with a permanent household it must be on the same piece of property as the home with which it is connected with said piece of property being owned by the permanent householder with which the temporary home is connected, this type of hookup only being allowed on a temporary basis,
- (2) In no case will a temporary home be allowed to hook up with a permanent household when the permanent householder does not own the property on which the temporary home is located, and
- (3) Effective as of January 1, 1970. (Res. 2-1969, S2, 3, 4, Dec. 2, 1969)

Chapter 18.06

WATER RATES AND CHARGES

Sections:

18.06.010 Rates and charges

18.06.010 Rates and charges. That there shall be and there are hereby established for the use of and the service rendered by SPURGEON WATER CORPORATION, the following rates and charges, based on the use of water supplied by said waterworks system:

Effective July 1, 2022 (with the first billing after adoption):

| (1) <u>Metered usage</u> | <u>Rates Per Thousand, Minimum charge 2,500 gallons</u> |
|--------------------------|---|
| First 3,000 gallons | \$ 14.25 |
| Next 5,000 gallons | 12.29 |
| Next 17,000 gallons | 10.67 |
| Next 35,000 gallons | 9.36 |
| Over 60,000 gallons | 8.07 |

(Ord. 2022-5, S1, July 12, 2022) (Ord. 2019-5, S1, July 3, 2019) (Ord. 2012-3, Sept. 2, 2012) (Ord. 2010-3, Oct. 3, 2010) (Ord. 2005-2, S1, June 1, 2005) (Ord. 2000-3, S1, Dec. 6, 2000) (Ord. 1998-1, S1, May 6, 1998) (Ord. 652, S1, June 16, 1981) (Ord. 643, pt. S1, Jan. 30, 1979) (Ord. 583, pt. S1, Aug. 22, 1964)

| (2) <u>Minimum Charge</u> | <u>Gallons Allowed</u> | <u>Charge</u> |
|---------------------------|------------------------|---------------|
| 5/8 inch meter | 2,500 | \$ 35.63 |
| 3/4 inch meter | 2,500 | 35.63 |
| 1 inch meter | 6,490 | 85.64 |
| 1 1/2 inch meter | 23,525 | 269.85 |
| 2 inch meter | 38,985 | 416.49 |
| 3 inch meter | 60,020 | 613.35 |
| 4 inch meter | 93,375 | 882.53 |

(Ord. 2022-5, S1, July 12, 2022) (Ord. 2019-5, S1, July 3, 2019) (Ord. 2015-3, Sept. 2, 2015) (Ord. 2012-3, Sept. 5, 2012) (Ord. 2010-3, Oct. 3, 2010) (Ord. 2005-2, S1, June 1, 2005) (Ord. 2000-3, S1, Dec. 6, 2000) (Ord. 1998-1, S1, May 6, 1998) (Ord. 652, S1, June 16, 1981) (Ord. 643, pt. S1, Jan. 30, 1979) (Ord. 583, pt. S1, Aug. 22, 1964)

On and after July 1, 2023:

| (1) <u>Metered usage</u> | <u>Rates Per Thousand, Minimum charge 2,500 gallons</u> |
|--------------------------|---|
| First 3,000 gallons | \$ 15.67 |
| Next 5,000 gallons | 13.51 |
| Next 17,000 gallons | 11.73 |
| Next 35,000 gallons | 10.29 |
| Over 60,000 gallons | 8.88 |

(Ord. 2022-5, S1, July 12, 2022)

| (2) <u>Minimum Charge</u> | <u>Gallons Allowed</u> | <u>Charge</u> |
|---------------------------|------------------------|---------------|
| 5/8 inch meter | 2,500 | \$ 39.18 |
| 3/4 inch meter | 2,500 | 39.18 |
| 1 inch meter | 6,490 | 94.16 |
| 1 1/2 inch meter | 23,525 | 296.67 |
| 2 inch meter | 38,985 | 457.88 |
| 3 inch meter | 60,020 | 674.30 |
| 4 inch meter | 93,375 | 970.49 |

(Ord. 2022-5, S1, July 12, 2022)

| (3) <u>Fire Protection</u> | <u>Rate per Annum</u> |
|---|--|
| Hydrant rental - per annum | \$ 533.00 |
| Automatic sprinkler connections – per connection | To be set upon application of first customer |
| 1-inch connection | |
| 1-1/2 inch connection | |
| 2-inch connection | |
| 3-inch connection | |
| 4-inch connection | |
| 6-inch connection | |
| 8-inch connection | |

(Ord. 2005-2, S1, June 1, 2005) (Ord. 2000-3, S1, Dec. 6, 2000) (Ord. 1998-1, S1, May 6, 1998) (Ord. 652, S1, June 16, 1981) (Ord. 643, pt. S1, Jan. 30, 1979) (Ord. 583, pt. S1, Aug. 22, 1964)

Once each year, at the meeting to be held in the month of December, the Town Board shall pass a numbered resolution, pursuant to this Ordinance, specifying whether or not the town shall pay a rental fee to the Town's water

utility for the following year, on each hydrant within the corporate limits. If a rental fee is to be paid, then the amount, per hydrant, shall be specified.

In the event no resolution is adopted as called for in this Ordinance, no rental fee shall be paid for the following year. (Ord. 1996-01, S1, S2, Feb. 7, 1996)

- (4) **Connection Fee** \$1,200.00

The charge for a connection requiring a meter size greater than 5/8 or 3/4 inch shall be the actual cost of connection, including labor, materials and equipment but not less than \$1,200.00. In addition all cost exceeding the \$1,200.00 shall be the responsibility of the new customer and therefore will be billed accordingly. (Ord. 2022-5, S4, July 12, 2022) (Ord. 2012-1, March 7, 2012) (Ord. 2005-2, S1, June 1, 2005) (Ord. 2000-3, S1, Dec. 6, 2000) (Ord. 1998-1, S1, May 6, 1998) (Ord. 659, Sept. 7, 1982) (Ord. 652, S1, June 16, 1981) (Res. 5-1981, Apr. 7, 1981) (Ord. 643, pt. S1, Jan. 30, 1979) (Ord. 583, pt. S1, Aug. 22, 1964)

- (5) **Meter Deposits**

A \$75.00 meter deposit will be charged to all new customers who will receive a receipt for said deposit. This amount will be refunded when service is discontinued, or applied to any unpaid water bill, or if deposit is unclaimed after one year of discontinued services than the deposit will be transferred into the utility. (Ord. 2016-3, S(5), May 4, 2016) (Ord. 2001-2, S2, Aug. 1, 2001) (Res. 1-1985, Feb. 6, 1985) (Ord. 643, pt. S1, Jan. 30, 1979) (Ord. 2-1967, May 6, 1967)

- (6) **Collection of Deferred Payment Charge**

All bills not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subjected to a collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00, however a customer may come before the Town Council and request a waiver of penalties. (Ord. 2016-4, S(5), May 4, 2016) (Ord. 2005-2, S1, June 1, 2005) (Ord. 2000-3, S2, Dec. 6, 2000) (Ord. 1998-1, S2, May 6, 1998) (Ord. 643, pt. S1, Jan. 30, 1979) (Ord. 583, pt. S1, Aug. 22, 1964)

- (7) **Shut Off and Turn On Charge**

A charge of \$25.00 will be charged for shut off and turn on made at the request of the user or for turn on after shut off for nonpayment or delinquency in the payment of a bill. All delinquent charges shall be paid before resumption of service will be permitted. (Ord. 2001-2, S1, Aug. 1, 2001) (Ord. 643, pt. S1, Jan. 30, 1979) (Ord. 583, pt. S1, Aug. 22, 1964)

(8) **Reconnection of a Water Meter for Non-payment.** When a customer is disconnected for non-payment, in addition to the reconnect fee, said customer will also be required to pay the entire balance on their account in order to have service reconnected. Paying the entire balance ensures that said customer will not appear on the subsequent disconnect list. (Ord. 2006-2, Aug. 2, 2006)

(9) **Unauthorized Reconnection Fee**

That when a water meter turned off by the Spurgeon Water Corporation for non-payment has been found by the Water Superintendent and the Clerk-Treasurer to have been turned back on by the customer before payment has been made and without the express permission of the Clerk-Treasurer, said meter will be taken out of service and the customer will be charged a \$75.00 fee in addition to the turn-on fee and the past due balance, in order to have water service resumed. (Ord. 2001-2, S3, Aug. 1, 2001)

(10) **Reconnection Due to Delinquent Bill**

A. If a delinquent bill is not paid within 6 months after being cut off for non-payment that the property owner be given a written notice of the delinquent bill,

B. If the property owner at the location of the delinquent meter bill does not pay the delinquent bill within 30 days after written notification is sent to him that the delinquent bill be written off as uncollectable and the meter removed, and

C. If service is again desired at the location where an unpaid bill has been written off that a \$165.00 meter tap-in fee be charged to have a meter re-installed the same as a new location. If the tap-in fee is changed at a future date, the amount in this Resolution will also change to correspond with the tap-in fee. (Res. 5-1979, Mar. 6, 1979) (Res. 2-1968, June 4, 1968)

(11) **Temporary Users**

Water furnished to temporary users such as contractors, etc., shall be charged for on the basis of the metered rates hereinabove set forth as estimated and established by the waterworks superintendent. (Ord. 643, pt. S1, Jan. 30, 1979) (Ord. 583, pt. S1, Aug. 22, 1964)

Chapter 18.08

CROSS CONNECTION CONTROL

Sections:

- 18.08.010 Deficiency – 327 IAC 8-10
- 18.08.020 Check Valves

18.08.010 Deficiency – 327 IAC 8-10. Deficiency – 327 IAC 8-10 states in part:

- (1) Customers shall construct an air gap or install a reduced pressure principle back flow prevent-er or a double check valve assembly in accordance with section 7 of this rule, on the customer service line to:
 - A. Tanks used only to store water from the public water supply for fire suppression that are constructed to maintain the bacteriological quality of the water, in compliance with 327 IAC 8-2; or
 - B. Secondary sources of supply that:
 1. use well water as the only private source of supply;
 2. are constructed to maintain the bacteriological quality of the water, in compliance with 327 IAC 8-2; and
 3. produce, without treatment, water meeting the drinking water quality standards enumerated in 327 IAC 8-2.
- (2) Customers shall construct an air gap or install a reduced pressure principle back flow prevent-er in accordance with section 7 of this rule on the customer service line to or into a facility having a secondary source of supply of a type other than those enumerated in subsection (1), that is used only for fire suppression.
- (3) No secondary source of supply of a type other than those enumerated in subsections (1) and (2) shall be physically connected on the customer service line to or into the facility. (Ord. 2018-2, June 6, 2018)

18.08.020 Check Valves. Verify check valves/RPZ valves for ALL hazardous users in the system. Cross connection control devices in distribution system need to be tested at regular intervals to ensure working order. Reports of testing must be kept onsite for review by IDEM. (Ord. 2018-2, June 6, 2018)

Chapter 18.10

SEWER RULES AND REGULATIONS

Sections:

| | |
|------------------|--|
| 18.10.010 | General Provisions |
| 18.10.020 | Building Sewers and Connections |
| 18.10.030 | Use of Public Sewers; Prohibited Acts; Discharges |
| 18.10.040 | Enforcement |
| 18.10.050 | Validity and Ordinance in Force |

18.10.010 General Provisions.

- (1) DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - A. BOARD. The Town Board of the Town of Spurgeon, Indiana. It is the governing body of the sewage system, which system is a public service.
 - B. BOD₅ or BIOCHEMICAL OXYGEN DEMAND. As applied to sewage, sewage effluent, polluted waters or industrial wastes, is the quantity of dissolved oxygen in mg/l required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20°C. The laboratory determinations of BOD shall be made in accordance with procedures set forth in Standard Methods, therein and conventionally referred to as BOD₅.
 - C. BUILDING. Any structure having a roof supported by columns or walls for the shelter, support, enclosure or protection of persons, animals, chattels or other property. When separated by a party wall, without opening through the wall, each portion of the building shall be considered a separate building.
 - D. BUILDING DRAIN SANITARY. A building drain which conveys sanitary or industrial sewage only.
 - E. BUILDING SEWER. The extension from the Building Drain to the Service Connection.
 - F. CHEMICAL OXYGEN DEMAND (OR COD₅). As applied to sewage, sewage effluent, polluted waters or industrial wastes, is a measure of the oxygen equivalent of that portion of the organic

matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.

- G. COMBINED SEWER. A sewer receiving both surface runoff and sewage.
- H. GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- I. CONSTITUENTS AND CHARACTERISTICS (OF WASTEWATER). The chemical, physical, bacteriological and radiological properties, including volume, flow rate and any other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
- J. EFFLUENT. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
- K. INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- L. INFLOW. Water other than wastewater entering the sewerage system from sources such as leaders, cellars, yard areas and foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff and street wastewater or drainage.
- M. INFILTRATION. The water entering the sewerage system directly or via private sewers, building drains and building sewers connected therewith from the ground, through means such as, but not limited to, defective pipe joints, connections or manhole walls.
- N. INSPECTOR. A person authorized by the Board to perform inspection duties assigned to him or her by the Board.
- O. LATERAL SEWER. The extension from the building drain to the sewerage system or other place of disposal.
- P. MAY. The action referred to is permissive.
- Q. NATURAL OUTLET. Any outlet into a Watercourse, pond, ditch, lake, or other body of surface or groundwater.

- R. NORMAL DOMESTIC SEWAGE. Sewage as discharged by residential users with a BOD₅ concentration not in excess of 400 mg/l and a suspended solids concentration not in excess of 500 mg/l.
- S. NUISANCE. Any substance which is injurious to health or offensive to the senses of an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.
- T. PERSON. Any individual, firm, company, association, society, corporation, partnership or group.
- U. pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- V. POLLUTION. An alteration of the quality of water by waste, contaminants or pollutants to a degree which renders the water unfit for beneficial users.
- W. PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have 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 ½ inch (1.27 centimeters) in any dimension.
- X. PUBLIC SEWER. A Sewer and appurtenances owned and controlled by the Town. In the event an easement described Section 18.10.020(14)(A) of this Chapter is granted to the Town, the Public Sewer shall consist of sewer piping from the Service Connection to a grinder pump station (consisting of approximately 4 or 5 feet of piping), grinder pump, grinder pump tank, valves, and electrical control panel, disconnect switch and all electrical wiring from the disconnect switch to the electrical control panel, power and control wiring from the control panel to the grinder pump, sewer piping from the grinder pump station to the collection system force main, including redundant check and ball valves, and the force main collection system, including cleanouts, line valves, air release valves, and manholes. In the event an easement described in Section 18.10.020(14)(A) is not granted to the Town, the Public Sewer shall consist of redundant checks and ball valve and the force main collection system, including cleanouts, line valves, air release valves, and manholes.
- Y. SANITARY SEWAGE. Sewage such as, and having the characteristics of, domestic sewage from dwellings including

apartment houses and hotels, office buildings, factories, or institutions free from storm and surface water and industrial wastes.

- Z. SANITARY SEWER. A sewer which carries sanitary sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- AA. SANITARY WASTE. Waste from toilets, urinals, lavatories, sinks, bathtubs, showers, household laundries, garage floor drains, bars, soda fountains, refrigerator drips, drinking fountains, and all other water carried wastes except Industrial Wastes.
- BB. SERVICE CONNECTION. The point of connection between the Building Sewer and the Public Sewer. Provided, however, that, in the event that an owner of property to be provided with sewage disposal service by the Town refuses to grant an easement referenced in 18.10.020(14)(A) of this Chapter, the Service Connection shall be the point of connection between the Building Sewer and the Service Line.
- CC. SERVICE LINE. The sewer grinder, pump or other pump, and other appurtenances extending from the Service Connection to the public right-of-way, easement, or other location where the Town has a right to construct, install, inspect, repair, maintain, and replace Sewage Works.
- DD. SEWAGE. A combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface, and stormwaters as may be present.
- EE. SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.
- FF. SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.
- GG. SEWER. A pipe or conduit for carrying sewage.
- HH. SHALL. The action referred to is mandatory.
- II. SLUG. Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

- JJ. STORM DRAIN or STORM SEWER. A sewer which carries storm and surface waters and drainage, but excludes sewage and Industrial Wastes, other than unpolluted cooling water.
- KK. SUPERINTENDENT. The Superintendent of Sewage Works of the Town, or his or her authorized deputy, agent, or representative, or an independent contractor hired by the Town to perform such services as set out herein for the Superintendent.
- LL. SUSPENDED SOLIDS. 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.
- MM. TOWN. The Town of Spurgeon, Indiana.
- NN. USER. A person who introduces into or discharges into, including both the owner and occupant of real estate from which it is introduced or discharged into, the sewerage system any substances whatever.
- OO. WASTE. Sanitary sewage and any and all other waste substances, including liquid, solid, gaseous or radio-active, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including waste placed within containers or whatever nature prior to, and for purposes of, disposal.
- PP. WASTEWATER. The water-carried waste from residences, commercial buildings, government buildings, institutions and industrial buildings, singular or in any combination, together with any ground, surface and storm waters as may be present.
- QQ. WASTEWATER TREATMENT PLANT. Any arrangement of devices and structures used by the Town for treatment and disposing of sewage, sludge, and other sewage constituents and products.
- RR. WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently. (Ord. 2023-1, S1, June 13, 2023)
(Ord. 2022-02, S1, Jan. 13, 2022)
- (2) RIGHT TO MAKE AND ENFORCE REGULATIONS. The Board shall make and enforce such regulations and ordinances as may be deemed necessary for the safe, economical and efficient management of the Town's Sewage Works, sewer system, for the construction and use of Building Sewers, connections to the sewer system, the regulation, collecting, rebating,

and refunding of rates and charges, and for regulation of private sewage disposal. (Ord. 2023-1, S2, June 13, 2023) (Ord. 2022-02, S2, Jan. 13, 2022)

18.10.020 Building Sewers and Connections.

- (1) **USE OF PUBLIC SEWERS REQUIRED; PRIVY UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 2023-1, S3, June 13, 2023) (Ord. 2022-02, S3, Jan. 13, 2022)
- (2) **CONNECTION WITH PUBLIC SEWER REQUIRED.** The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes requiring wastewater disposal, situated within the Town, is hereby required to cause his property to be connected with the Public Sewer in accordance with the provisions of this Chapter within ninety (90) days after the date of official notice to do so, provided that said Public Sewer is within three hundred (300) feet of the owner's property line. Such notice shall be provided in accordance with I.C. 36-9-23-30 or by personal service upon the owner. (B) When a property owner is required by the terms of this Chapter to connect to the Public Sewer of the Town and fails or refuses to do so after receiving appropriate notice from the Town, at least ninety (90) days before a date for connection stated in the notice, the Town shall apply to the Circuit Court of Pike County for an order to force connection, with the cost of the action, including reasonable attorney's fees of the Town, to be assessed by the Court against the property owner in the action, all of which is provided for by I.C. 36-9-23-30(d). (Ord. 2023-1, S4, June 13, 2023) (Ord. 2022-02, S4, Jan. 13, 2022)
- (3) **NO EXEMPTIONS TO CONNECTION TO PUBLIC SEWER.** Except as may be provided by statute there shall be no exception to the obligation to connect to the Public Sewer as required to by Section 18.10.020(2), above. (Ord. 2023-1, S5, June 13, 2023) (Ord. 2022-02, S5, Jan. 13, 2022)
- (4) **PROHIBITED ACTION.** No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. (Ord. 2023-1, S6, June 13, 2023) (Ord. 2022-02, S6, Jan. 13, 2022)
- (5) **CLASSES OF PERMITS.**
 - A. There shall be four (4) classes of Building Sewer permits, one for residential, one for commercial, one for schools, and one for service to establishments producing Industrial Wastes.

- B. In all cases, the owner or his or her agent shall make application on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. (Ord. 2023-1, S7, June 13, 2023) (Ord. 2022-02, S7, Jan. 13, 2022)
- (6) **RESPONSIBILITY OF OWNER.** All costs and expenses incidental to the installation and connection of the Building Sewer to the Public Sewer shall be borne by the owner, including the installation of the grinder or other pump, sewer lines, and appurtenances necessary to make such connection. Those portions of the installation that are included in the definition of Public Sewer shall only become part of the Public Sewer upon completion, inspection and acceptance by the Town. 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. (Ord. 2023-1, S8, June 13, 2023) (Ord. 2022-02, S8, Jan. 13, 2022)
- (7) **SEPARATE SEWER FOR EVERY BUILDING.**
- A. A separate and independent Building Sewer shall be provided for every building.
- B. Old Building Sewers may be used in connection with new buildings only when the owner employs a qualified party to make a closed-circuit television internal inspection of the old Building Sewer and such inspection meets all of the requirements of this Chapter to the satisfaction of the Superintendent. (Ord. 2023-1, S9, June 13, 2023) (Ord. 2022-02, S9, Jan. 13, 2022)
- (8) **MATERIAL AND METHODS OF CONSTRUCTION.** 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, back-filling the trench and connecting the building to the Service Connection of the Service Line shall all conform to the requirements of Title 327 Indiana Administrative Code Section 3-6-18. (Ord. 2023-1, S10, June 13, 2023) (Ord. 2022-02, S10, Jan. 13, 2022)
- (9) **CONNECTION OF BUILDING SEWER TO PUBLIC SEWER.** The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.E.F. Manual of Practice FD-S. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. (Ord. 2023-1, S11, June 13, 2023) (Ord. 2022-02, S11, Jan. 13, 2022)

- (10) INSPECTION. The applicant for the Building Sewer permit shall notify the 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 Superintendent or his or her representative. (Ord. 2023-1, S12, June 13, 2023) (Ord. 2022-02, S12, Jan. 13, 2022)
- (11) PHYSICAL SAFEGUARDS. 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 relevant authority that will be affected, i.e. Town, County, Indiana Department of Transportation (INDOT) or other relevant party. (Ord. 2023-1, S13, June 13, 2023) (Ord. 2022-02, S13, Jan. 13, 2022)
- (12) EASEMENTS; OPERATION AND MAINTENANCE RESPONSIBILITIES, CONTRACTORS, AND ELECTRICAL SERVICE.
- A. ON-LOT EASEMENTS. Prior to the construction of any portion of a Public Sewer on private property to which a Service Connection will, can, or may be made, the Town may request that the owner of record of the premises to be connected execute an easement in a form provided by the Town granting the Town permission to install, inspect, operate, maintain, repair, and replace that portion of the Public Sewer designed to be located on the owner's property and to which the Service Connection is designed to be made.
- B. TOWN'S RESPONSIBILITY FOR REPAIRS, OPERATION, AND MAINTENANCE. The cost of all repairs, installation, operation, maintenance, inspection and replacement of the Public Sewer, including any portion of the Public Sewer lying on private property for which the Owner has granted an easement to the Town, shall be borne by the Town as part of the Town's budgeted annual expense of the System.
- C. CONTRACTOR REQUIREMENTS. Any Person desiring to construct or install, repair, maintain, or replace a Building Sewer or a Service Line, or uncover, make any connection with or opening into, use, alter or disturb any Public Sewer, or appurtenances thereof, must register with the Town. The registration shall be made on a calendar year basis.
- D. DEMOLITION OF EXISTING BUILDINGS. The owner of an existing building to which a Service Connection has been made, shall obtain a permit from the Town to disconnect the Building Sewer from the Service Connection or the Service Connection from the

Public Sewer and cap the same before demolition or removal of the building and shall permit and cause the disconnection and related construction to be inspected by the Town in accordance with this regulation.

- E. PROVISION OF ELECTRICAL SERVICE. Unless determined by the Board that an alternative configuration is more financially viable, the owner of a building to which a Service Connection is made or required as provided herein shall provide and maintain an electrical service as specified by the Town for the operation of a grinder or other pump or other appurtenances requiring electricity incorporated as a part of the Sewage Works for purposes of providing sewage disposal to that owner's premises. The owner shall also be responsible for all billings in connection with said electrical service. (Ord. 2023-1, S14, June 13, 2023) (Ord. 2022-02, S14, Jan. 13, 2022)

18.10.030 Use of Public Sewers; Prohibited Acts; Discharges.

- (1) PROHIBITED DISCHARGES TO SANITARY SEWER. No Person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any Sanitary Sewer. (Ord. 2023-1, S15, June 13, 2023) (Ord. 2022-02, S15, Jan. 13, 2022)
- (2) STORM SEWERS. Stormwater and all other unpolluted drainage shall be discharged to such as are specifically designated as Storm Sewers, or to a Natural Outlet approved by the Superintendent or other appropriate authority, i.e. the Department of Natural Resources (DNR), County Engineer, Army Corp of Engineers. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent or other appropriate authority, to a Storm Sewer, or Natural Outlet. (Ord. 2023-1, S16, June 13, 2023) (Ord. 2022-02, S16, Jan. 13, 2022)
- (3) PROHIBITED DISCHARGES TO ANY SEWER.
 - A. No Person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Superintendent that the wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process,

capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant, and other pertinent factors.

B. The substances prohibited are:

1. Solid or viscous substances in quantities or of a 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 and paper dishes, cups, milk containers, and the like, either whole or ground by Garbage grinders.
2. Any Garbage that has not been properly shredded. The installation and operation of any Garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
4. Any liquid or vapor having a temperature higher than 150°F (65°C);
5. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
6. Any waters or wastes containing phenols or other taste-or odor-producing substances, in 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 for discharge to the receiving waters;
7. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
8. Any waters or wastes having a pH lower than 5.5 or in excess of 9 or having any other corrosive properly capable of causing damage or hazard to structures, equipment, and personnel of the Sewage Works;

9. Materials which exert or cause:
 - (a) Unusual concentrations of inert Suspended Solids in excess of 500 mg/l (such as but not limited to fuller's earth, lime slurries, and lime residues) or of dissolved solid (such as but not limited to sodium chloride and sodium sulfate);
 - (b) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions);
 - (c) Unusual BOD₅ in excess of 400mg/l, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or
 - (d) Unusual volume of low or concentration of wastes constituting Slugs, as defined herein.
10. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment plant. (Ord. 2023-1, S17, June 13, 2023) (Ord. 2022-02, S17, Jan. 13, 2022)

(4) PROHIBITION OF CERTAIN WASTEWATER CONCENTRATIONS.

- A. A Person shall not discharge any wastewater containing waste concentration in excess of those allowed under the applicable national pretreatment standards.
- B. If no pretreatment standard exists, the following concentration prohibitions shall apply, unless modified by the Board:
 1. 0.20 mg/l; cadmium;
 2. 0.25 mg/l hexavalent chromium (Cr, VI) for 1 day, or 0.09 mg/l hexavalent chromium for any 30-consecutive day average;
 3. 2 mg/l copper;

4. 0.20 mg/l cyanide amenable to chlorination (CN, A) for 1 day, or 0.08 mg/l cyanide amenable to chlorination for any 30- consecutive day average;
5. 0.64 mg/l cyanide, total (CN, T) for 1 day, or 0.24 mg/l cyanide total for any 30-consecutive day average;
6. 1.00 mg/l lead;
7. 0.20 mg/l mercury;
8. 0.80 mg/l nickel;
9. 0.10 mg/l silver;
10. 1 mg/l zinc;
11. 200 mg/l oil and grease of animal or vegetable origin;
12. 100 mg/l oil and grease of mineral or petroleum origin;
13. 1 mg/l phenolic compounds which cannot be removed by the Town's wastewater treatment process;
14. Other concentrations than stated above are prohibited if applicable state or federal regulations or regulations of the Board set different maximum concentrations; and/or
15. Any other substance or concentration thereof prohibited to all users or classes of users by state or federal law, or regulation now or hereafter adopted by the Board. (Ord. 2023-1, S18, June 13, 2023) (Ord. 2022-02, S18, Jan. 13, 2022)

(5) NOTIFICATION OF ACCIDENTAL DISCHARGES.

- A. A user shall notify the Superintendent immediately upon discharging, accidentally or otherwise, chemicals, corrosive substances, or any other matter that is or may be deleterious to the sewerage system or treatment process, or wastewaters in violation of this chapter, to enable countermeasures to be taken by the Town to minimize damage to the sewerage system, treatment processes and the receiving stream.
- B. This notification shall be followed within seven days of the date of occurrence by a detailed written report, signed by the user, describing

the causes of the discharge and the measures being taken to prevent future similar occurrences.

- C. The notification will not relieve users of liability for any expense, loss or damage to the sewerage system, wastewater treatment plant or treatment process, or any fines or penalties imposed by the Town, which expense, loss or damage shall be paid for by the user. (Ord. 2023-1, S19, June 13, 2023) (Ord. 2022-02, S19, Jan. 13, 2022)

(6) VIOLATION OF LIMITED DISCHARGE.

- A. If any waters or wastes are discharges, or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in Section 18.10.030(4), and which in the judgement 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:

1. Reject the waste;
2. Require pretreatment to an acceptable condition for discharge to the Public Sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 34.

- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants 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. (Ord. 2023-1, S20, June 13, 2023) (Ord. 2022-02, S20, Jan. 13, 2022)

- (7) GREASE, OIL, SAND INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily

and easily accessible for cleaning and inspection. (Ord. 2023-1, S21, June 13, 2023) (Ord. 2022-02, S21, Jan. 13, 2022)

- (8) **PRETREATMENT FACILITIES.** 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 or her expense. (Ord. 2023-1, S22, June 13, 2023) (Ord. 2022-02, S22, Jan. 13, 2022)
- (9) **CONTROL MANHOLE.** 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 the necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. The 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 or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 2023-1, S23, June 13, 2023) (Ord. 2022-02, S23, Jan. 13, 2022)
- (10) **TEST STANDARDS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the Water Environment Federation, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. 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 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 and Suspended Solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.) (Ord. 2023-1, S24, June 13, 2023) (Ord. 2022-02, S24, Jan. 13, 2022)
- (11) **SPECIAL ARRANGEMENTS.** No statement contained in this subchapter 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 industry of concern. (Ord. 2023-1, S25, June 13, 2023) (Ord. 2022-02, S25, Jan. 13, 2022)
- (12) **PROHIBITED CONNECTIONS.** No Person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Sewer or building

drain, which in turn is connected directly or indirectly to a public Sanitary Sewer. (Ord. 2023-1, S26, June 13, 2023) (Ord. 2022-02, S26, Jan. 13, 2022)

(13) PROTECTION FROM DAMAGE.

- A. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewage Works.
- B. Any Person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 2023-1, S27, June 13, 2023) (Ord. 2022-02, S27, Jan. 13, 2022)

(14) PROHIBITED DEPOSITS; DISCHARGE TO NATURAL OUTLET PROHIBITED.

- A. It shall be unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, Garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any Natural Outlet within the Town or an any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 2023-1, S28, June 13, 2023) (Ord. 2022-02, S28, Jan. 13, 2022)

18.10.040 Enforcement.

(1) EASEMENT.

- A. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurement, sampling, and maintenance of any portion of the Sewage Works lying within the easement.
- B. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 2023-1, S29, June 13, 2023) (Ord. 2022-02, S30, Jan. 13, 2022)

(2) PENALTY.

- A. Any Person who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500.00. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
- B. Any Person found to be violating any provision of this chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.
- C. Any Person who shall continue any violation beyond the time limit provided for in division B of this section (2) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- D. Any Person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of the violation, including where applicable the cost and expense to repair or replace any grinder pump or other equipment damaged by such violation. (Ord. 2023-1, S30, June 13, 2023) (Ord. 2022-02, S31, Jan. 13, 2022)

18.10.050 Validity and Ordinance in Force.

(1) VALIDITY.

- A. All ordinances or parts of ordinances in conflict herewith, including, without limitation, are hereby repealed.
- B. The invalidity of any section or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (Ord. 2023-1, S31, June 13, 2023) (Ord. 2022-02, S32, Jan. 13, 2022)

- (2) ORDINANCE IN FORCE. This chapter shall be in full force and effect from and after its passage and publication as required by law. (Ord. 2023-1, S32, June 13, 2023) (Ord. 2022-02, S33, Jan. 13, 2022)

Chapter 18.12

SEWER RATES AND CHARGES

Sections:

| | |
|-----------|-----------------------|
| 18.12.010 | Rates and charges |
| 18.12.020 | Connection charge |
| 18.12.030 | Billing and penalties |
| 18.12.040 | Effective date |

18.12.010 Rates and charges. For the use of, and the service rendered by, the 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 of Spurgeon's (the "Town") sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town. Such rates and charges include User Charges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) 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). However, the meter readings may be estimated from time as determined by the billing agent and will be based on the customer's average consumption. The monthly rates and charges for each customer shall include a treatment rate, calculated based upon water usage, plus a fixed base rate as follows:
 - A. Treatment Rate - \$9.74 per 1,000 gallons of usage per month.
 - B. Base Rate - \$48.59 per month.
- (2) For the service rendered to the Town, said Town shall be subject to the same rates and charges hereinabove provided.
- (3) The above rates and charges shall commence to be billed at such time as construction of the sewage works is complete and the sewage work is available for connection ("Completion"). (Ord. 2023-2, S1, June 13, 2023) (Ord. 2020-9, S1, Nov. 4, 2020)

18.12.020 Connection charge. The owner of any building or structure connecting to the sewage works on or before the date that is six months after Completion shall not be required to pay a connection charge prior to making connection, said connection charge being hereby waived by the Town. An owner of any building or structure connecting to the sewage works after said six-month period shall pay a connection charge of \$2,000 (per Equivalent Single Family Dwelling Unit defined as 3,675 gallons per month) for each connection. The person

making the connection shall be responsible for making the connection and the expense thereof.

- (1) No connection charge shall be payable until a structure to be connected is identified and construction of such structure must begin within 12 months of the issuance of a tap-in permit by the Town. Failure to begin construction as required herein shall render the permit invalid. Failure to complete construction of such structure within 24 months of the issuance of the permit, unless the Town agrees to a longer time, shall render the tap permit invalid and future construction shall require a new tap-in permit.
- (2) Connection of a non-single family dwelling unit to the sewer system shall involve a calculation to calculate the required connection fee based upon the actual or projected flow such connection is deemed to generate. Such total monthly flow, actual or projected, shall be divided by 3,675 to calculate the number of residential equivalent connections such non-residential use shall pay, but in no case shall such connection charge be less than a single family residential connection fee. (Ord. 2023-2, S2, June 13, 2023) (Ord. 2020-9, S2, Nov. 4, 2020)

18.12.030 Billing and penalties. Such rates and charges shall be prepared, billed and collected by the town in the manner provided by law and ordinance.

- (1) The rates and charges for all users shall be prepared and billed monthly.
- (2) The rates and charges 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 herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or 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.
- (3) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill. (Ord. 2023-2, S3, June 13, 2023) (Ord. 2020-9, S3, Nov. 4, 2020)

18.12.040 Effective date. The effectiveness of this Chapter and the rates and charges set forth herein are contingent upon and shall only be effective upon the funding of and completion of the Sewage Works. (Ord. 2023-2, S4, June 13, 2023) (Ord. 2020-9, S4, Nov. 4, 2020)

Chapter 18.25

NATURAL GAS FRANCHISE

Sections:

| | |
|------------------|---|
| 18.25.010 | Franchise to SIGECO |
| 18.25.020 | Franchise |
| 18.25.030 | Execution of documents |
| 18.25.040 | Approval by the Public Service Commission of Indiana |
| 18.25.050 | No fee for franchise |

18.25.010 Franchise to SIGECO. There is hereby issued and granted to Southern Indiana Gas and Electric Company SIGECO by the Town of Spurgeon a franchise granting SIGECO the exclusive right, power and authority to provide, sell and service natural gas within the Town of Spurgeon and to use all public ways, streets and rights of way therefor, without charge. The franchise granted constitutes an indeterminate permit. (Ord. 663, S1, June 4, 1985)

18.25.020 Franchise. The franchise granted and entered into is shown as follows in Exhibit "A". (Ord. 663, S2, June 4, 1985)

18.25.030 Execution of documents. The town and its elected officials and its employees shall take all steps and issue and execute all documents necessary to obtain any additional governmental or regulatory authority for the provision of natural gas and natural gas sales and service to and within the Town of Spurgeon. (Ord. 663, S3, June 4, 1985)

18.25.040 Approval by the Public Service Commission of Indiana. The tariffs, rates, charges, rules and regulations for the provision of natural gas and natural gas sales and service to and within the Town of Spurgeon and to the public shall be as filed with and approved by the Public Service Commission of Indiana. (Ord. 663, S4, June 4, 1985)

18.25.050 No fee for franchise. In consideration of the substantial cost to SIGECO in constructing a new pipeline for the provision of natural gas to the Town of Spurgeon and the surrounding area and in consideration of the public interest in obtaining natural gas which would otherwise be unavailable, no fee, levy, tax or other charge shall be levied or made by the Town of Spurgeon to SIGECO for this franchise. (Ord. 663, S5, June 4, 1985)

Exhibit "A"

NATURAL GAS FRANCHISE AGREEMENT
BETWEEN
TOWN OF SPURGEON, INDIANA, ACTING THROUGH ITS BOARD OF TRUSTEES
AND
SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

THIS AGREEMENT, made this 4th day of June, 1985, between the TOWN OF SPURGEON, INDIANA acting by and through its Board of Trustees (hereinafter called the "Municipality"), Party of the First Part, and SOUTHERN INDIANA GAS AND ELECTRIC COMPANY (Sigeco) (hereinafter sometimes called the "Grantee"), Party of the Second Part,

WITNESSETH, That:

WHEREAS, it is in the best interest of the Municipality and the inhabitants thereof that natural gas be distributed to customers in the Municipality and the Municipality has requested the Grantee to attempt to purchase and obtain a supply of natural gas for such purpose and to attempt to arrange the necessary financing to defray the cost of the plant, property, equipment, facilities and system required for such distribution and natural gas service; and

WHEREAS, the Grantee has expressed a willingness to undertake such action pursuant to such request, but cannot effectively negotiate for the purchase of such natural gas supply or for such financing unless it has a franchise to distribute natural gas in the Municipality;

NOW, THEREFORE, in consideration of the premises, the mutual covenants herein contained, and each act done or to be done by the

Parties hereunder, the Parties agree as follows:

Section 1. The Municipality hereby grants unto the Grantee, its successors and assigns, an exclusive 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 all other purposes, including the right to transmit, transport, 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 or 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 or conduits.

Section 2. 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.

Section 3. The Grantee may make all necessary excavations 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 exercise reasonable care, by signals, guards, barricades or otherwise, to protect the public from injury to persons and property; and the Grantee shall save and hold the Municipality harmless from all compensatory damages against it, arising on account of any default, or negligence by the Grantee in the construction, maintenance and operation of its gas system within the town, provided the Municipality shall promptly notify the Grantee of any claim or suit. 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.

Section 4. The Grantee will use reasonable care 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 rights 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 other causes beyond the control of the Grantee, its successors or assigns.

Section 5. This Franchise Agreement shall constitute an exclusive 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 provisions, 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 twenty-four months from the date of this Franchise Agreement the Grantee has failed to obtain an agreement for the purchase of a supply of natural gas for distribution to customers in the Municipality, or if, within twelve months after the obtaining of any such agreement the Grantee has failed to

commence construction of the plant, property, equipment, facilities and system required for the distribution of natural gas and the rendering of natural gas service to customers in 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.

Section 6. The natural gas to be furnished to the Municipality and the 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.

Section 7. This Agreement and all of its 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 from and after the date of its being approved by an ordinance duly adopted by the Municipality.

IN WITNESS WHEREOF, the Parties hereto have executed this instrument the day, month and year first above written.

TOWN OF SPURGEON, INDIANA

By: BOARD OF TRUSTEES

Margaret Tysing
Jeremia S. Beslie
David Burgess

ATTEST:

Patricia Lindsey
Its Town Clerk

SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

By: N. P. Wagner
N. P. Wagner, Its President
and Chief Executive Officer

ATTEST:

A. E. Goebel
A. E. Goebel, Its Secretary