

**ORDINANCE 2003-16**  
**TOWN OF MILLERSBURG WATER USE ORDINANCE**

**A UTILITY ORDINANCE TO PROVIDE A COMPREHENSIVE PROGRAM FOR THE OPERATION OF A WATER UTILITY, SPECIFICALLY INCLUDING A PROGRAM FOR PROTECTING THE PUBLIC WATER SYSTEM FROM BACKFLOW OF CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM; SPECIFICATIONS FOR WORKMANSHIP AND MATERIALS; AND A PROCEDURE FOR THE ENFORCEMENT AND SHUTOFF OF DELINQUENT WATER SERVICE CHARGES.**

**WHEREAS;** Indiana Code Sections 36-1-3-1, et. seq., permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity; and

**WHEREAS;** the Town Council of the Town of Millersburg is the Town legislative body and is by law authorized to adopt ordinances and resolutions for the performance of functions for the Town of Millersburg; and

**WHEREAS;** the Plumbing Code, as adopted by the State of Indiana, requires protection of the public water supply from contaminates due to backflow of contaminants through the water service connection; and

**WHEREAS;** the Indiana Department of Environmental Management endorses the maintenance of a continuing program of cross connection control which will systemically and effectively prevent the contamination of all potable water systems;

**WHEREAS;** Indiana law requires that all public water supplies be continuously operated and maintained so that the water is safe and satisfactory for ordinary domestic consumption;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Millersburg, State of Indiana, which this Ordinance shall restate and replace Ordinances 2003-1, 2002-2 and 2002-7 as follows:

**SECTION 1 General**

1.1 This Ordinance may be referred to as the "Town of Millersburg Comprehensive Water Utility Ordinance."

1.2 This Ordinance shall become effective December 29<sup>th</sup>, 2003, subject to publication requirements.



## Statement of Purpose and Intent

On November 1, 1987, the Water Pollution Control Board, pursuant to its statutory authority, promulgated regulations for the implementation of a Cross Connection Control Program, 327 IAC 8-10-1 et seq. These regulations authorize municipalities to regulate users of the public water supply and to require such users of the public water supply to take precautions against cross connections between the public water supply and the private utilization of that water where there is a hazard of contaminating the public water supply by backflow. The Water Works of the Town of Millersburg, the supplier of public water, wishes to take primary responsibility for enforcement of the regulations promulgated by the Water Pollution Control Board. The Millersburg Town Council has reviewed the regulations set forth in the proposed ordinance and have approved a resolution expressing their support for the adoption of these regulations and have further requested that the Superintendent of the Water Works file this ordinance amending ordinance 2002-2 Section 2.00.

## CROSS CONNECTION CONTROL PROGRAM

### **Section 2** Authority and responsibility.

#### **2.1** Utility Authorized

This ordinance authorizes the Utility to require certain backflow prevention devices in private water supply systems to prevent backflow into the public water supply system. It shall be the responsibility of the user to install and maintain such devices in conformance with this ordinance and other rules and regulations established by the State of Indiana.

#### **2.2** Utility Sole Interpreter

The Utility shall be the interpreter of this ordinance and the arbiter and judge as to whether such a backflow prevention device is required. If such a backflow prevention device is required, the Utility shall determine the type and the location of the device. The Utility may order installation of said device by written notice to the user, under the conditions defined.

#### **2.3** Areas of Application, Geographic Location

Inasmuch as the Utility serves customers outside of the corporate limits of the Town of Millersburg, this ordinance shall apply to all users, both urban and suburban, which shall include Millersburg Utilities customers.

#### **2.4** State Uniform Plumbing Code Interface

This ordinance supplements the uniform Indiana Plumbing Code and shall not supercede the provisions of the Plumbing Code.

### **Section 3** Effect of article as to other laws

#### **3.1**

Where the requirements of this ordinance are more specific than the state law authorizing the enactment of these requirements, the provisions of the ordinance shall apply, but under no circumstances shall this ordinance be construed to contradict existing state law regulating this matter.



**Section 4**    **Commercial, industrial and residential hazards**

4.1    A reduced pressure backflow preventer device shall be required if any commercial or industrial facility or residential dwelling deemed by the Utility to pose a contamination hazard.

**Section 5**    **Irrigation systems**

5.1    A reduced pressure backflow preventer, an air-gap, or an approved pressure type vacuum-breaker device shall be required for the following hazards:

1. lawn-irrigation systems;
2. similar lawn-care systems; and
3. garden hose spigots placed below lawn grade.

**Section 6**    **Residential**

6.1    A reduced pressure backflow preventer shall be required for the following hazards:

1. residents with hot water heat (boilers); such boilers should have, as per the Indiana Plumbing Code, an expansion tank and or safety valves to prevent expansion problems; and
2. any residence with a private auxiliary water supply connected to the public supply through the user's private water supply system.
3. any new connection to the Town of Millersburg water supply.

**Section 7**    **Fire service**

7.1    No hazardous line shall be attached to any fire hydrant or other fire service line without an approved backflow prevention device. Permanent fire service lines shall incorporate a double check valve assembly in 100% water systems or a reduced pressure backflow preventer in chemical systems. Where domestic service is tapped into a fire line, the domestic tap shall be subject to all the provisions of this ordinance.

**Section 8**    **Pre-existing facilities**

8.1    Pre-existing facilities that have no backflow prevention device and where there is a definite present hazard shall be required to install an appropriate device within two (2) years after the effective date of this ordinance.

**Section 9**    **Location**

9.1    The backflow prevention device shall be located immediately downstream of the water meter and shall not be bypassed by any means. There shall be no taps upstream of the backflow prevention devices that are not protected by additional backflow prevention devices. The existence of backflow prevention devices on the user's premises other than at this required location shall not negate the requirement at this location. Exact installation alignment and elevation requirements shall be determined by reference to 327 IAC 8-10-7 and other applicable state law regulations.



**Section 10 Uninterrupted service**

10.1 Users needing continuous service that cannot be interrupted for testing the backflow prevention device shall install dual devices in parallel so that they can be checked separately.

**Section 11 Looped taps**

11.1 Heat exchange loops, intentionally returning water to the public supply, shall not be allowed. Any other loop or set of taps into a private water system allowing water to return to the public system shall require appropriate backflow prevention devices on all taps.

**Section 12 Inspection and testing**

12.1 Any water user or owner of a private water supply system shall allow access to their facilities for inspection of their system and for testing of any backflow prevention device.

12.2 If access for inspection is denied on the basis of government security or any other reason, a maximum hazard shall be assumed requiring a reduced pressure backflow prevention device.

12.3 The user is required to maintain said backflow prevention device and shall have them inspected and tested at six or twelve month intervals in accordance with 327 IAC 8-10-8 by a certified inspector, who shall report the results to the Utility and to the user. The inspection shall be at the expense of the user.

12.4 All water users shall have their facility inspected by a certified inspector. Inspector certification is done by the State of Indiana and a certificate is issued accordingly. Device repair is the responsibility of the user.

12.5 The user shall retain records of all testing, repair, and approval of backflow prevention devices for a three year period. The Utility is required to retain all records of testing and repair of such devices.

**Section 13 Water Turn On and Shutoff Procedures**

13.1 Other than by authorized representatives of the Town of Millersburg, no one shall turn on or shall turn off Town of Millersburg mains, hydrants, gate valves, curb stop valves, or other valves of the Town of Millersburg Water Utility. No person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the Town of Millersburg Water Works. Any person violating this provision shall be subject to immediate arrest.

13.2 Each month, the Millersburg Clerk/Treasurer shall generate a customer balance sheet showing the amount owed per customer.

13.3 Accounts showing a balance of a previous month's bill without a payment to

the water utility in the previous thirty (30) days shall receive a letter from the Millersburg Clerk/Treasurer that states the total amount owing, the amount of the last payment, and which requests payment.

**Section 14 Service Call Charge**

**14.1** A customer shall pay a service call charge in accordance with the following schedule for any service calls involving an emergency, such as a disconnecting service at the curb.

<u>Time</u>	<u>Service Call Charge</u>
During Regular Business Hours	No Charge
After Regular Business Hours and Saturdays	\$20.00
Sundays and Holidays	\$30.00

**14.2 Reconnection Charge**

When water service is disconnected at any location a customer must pay a reconnection fee in accordance with the following schedule before the service will be restored.

<u>Time</u>	<u>Reconnection Charge</u>
During Regular Business Hours	No Charge
After Regular Business Hours and Saturdays	\$20.00
Sundays and Holidays	\$30.00

**Section 15 Collection and Deferred Payment Charges**

**15.1** All bills for water and/or sewer services not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject to collection of a deferred payment charge of ten (10%) if the first Three Dollars (\$3.00) and three percent (3%) on the excess of Three Dollars (\$3.00). The charge for the return of a check for non-sufficient funds shall be Fifteen Dollars (\$15.00) per check. A user disconnected for non-payment of a bill shall be assessed a disconnect charge of Thirteen Dollars (\$13.00) and a reconnect fee of Thirteen Dollars (\$13.00) when reconnected.

**15.2** When any property owner of water consumer fails to pay an account or statement for services provided by the Town of Millersburg Water Utility within thirty (30) days after its due date, the water utility may send a letter by first class mail, postage prepaid, demanding payment within ten (10) days and stating that the water service may be terminated to the property if all delinquent payments



are not made within the ten (10) days. A demand letter fee shall also be charged to the delinquent user for the amount of Five Dollars (\$5.00) plus the amount of postage. If payment is not received within the ten (10) day period, the Town of Millersburg Water Utility may terminate water service to the property. Water service shall not be restored until the customer pays the past due amounts and the customer makes satisfactory arrangements with the Town of Millersburg Water Utility to avoid future delinquencies.

**Section 16 Separate Service Lines**

**16.1** Each residential living unit serviced by the Millersburg Water Utility shall have a separate service line, shutoff and water meter. For existing residential living units, the required separation of service lines, shutoff and water meters shall be completed within six (6) months after the effective date of this ordinance. In the event that any property owner shall fail to comply with this section, the Millersburg Water Utility is authorized to give thirty (30) days prior written notice by first class mail, postage repaid, notifying the property owner and the utility customer that water service to all affected residential living units will be terminated if the service lines, shutoffs and water meters are not separated within thirty (30) days following the date of the letter. If such service lines, shutoffs and water meters are not separated within such thirty (30) day period, the Town of Millersburg Water Utility may terminate water service to each living unit. In addition, the Town of Millersburg Water Utility shall have the remedies set forth in Section 4 hereafter for failure to comply with this ordinance within thirty (30) days after notice is sent by the Town of Millersburg Water Utility. In order to recommence water services after termination, the customer shall pay to the Town of Millersburg Water Utility a disconnect charge of Thirteen Dollars (\$13.00) and a reconnect fee of Thirteen Dollars (\$13.00), along with a demand letter fee of Five Dollars (\$5.00) plus the amount of postage charge incurred.

**Section 17 Deposits**

**17.1** All residential living units serviced by the Town of Millersburg Water Utility must have the utility account with the Town of Millersburg in the name of the property owner. In the event real estate is being sold on land contract, the utility account may be in the name of the land contract purchaser. In the event of a renter the utility account with the Town of Millersburg shall be in the property owner's name, but monthly billings may be sent to the renter at the discretion of the property owner. Each residential living unit being serviced by the Town of Millersburg Water Utility must deposit with the Town of Millersburg Water Utility an Eighty-five Dollar (\$85.00) deposit as security for any delinquent water or sewer utility charges to the living unit. At any time that water or sewer utility charges shall fail to be paid in a timely manner, the Town of Millersburg shall be entitled to offset the past due water and/or sewer utility charges against the security deposit. Millersburg Water Utility shall notify the account holder and property owner if different by first class mail, postage prepaid, and shall require that the account holder increase the deposit to the full Eighty-five Dollars (\$85.00) within ten (10) days of the date of the letter, notifying them that failure



to do so may result in water service to the living unit being disconnected. A demand letter fee of Five Dollars (\$5.00) plus the cost of postage shall also be charged to the account holder. If such payment is not received within ten (10) days of the date of the letter, the Town of Millersburg Water Utility may terminate water service to the living unit. Water service shall not be restored until the amounts demanded have been paid to the Town of Millersburg Water Utility. In order to recommence water service after termination, the account holder shall also pay a disconnect charge of Thirteen Dollars (\$13.00) and a reconnect fee of Thirteen Dollars (\$13.00) unless the account holder is no longer available for collection, whereupon the property owner shall be liable.

**Section 18 Water Meters**

18.1 To confirm and ratify historic policy of the Town of Millersburg Water Utility, water meters shall be initially provided by the user at the user's expense. All water meters used shall meet the requirements of and be subject to the approval by the Town of Millersburg Water Utility Superintendent.

18.2 To confirm and ratify historic policy of the Town of Millersburg Water Utility, the repair and/or replacement of water meters for water lines of one inch (1") or less in size shall be provided by the Town of Millersburg at its expense; the repair and/or replacement of water meters for water lines greater than one inch (1") in size shall be provided by the user at the user' expense.

**Section 19 Specifications for Workmanship and Materials**

19.1 The attached Exhibit A entitled "Specifications for Workmanship and Materials (Pages A-0-1 through A-7-1) are hereby incorporated by reference and made a part of this Ordinance to govern all public work projects of the Town of Millersburg, Indiana as well as private projects affecting water facilities, sewer facilities, park facilities, roads and streets, buildings, and other facilities of the Town of Millersburg, Indiana.

**Section 20 Fire Protection and Water Connections**

20.1 Any fire protection system utilizing water from the Town of Millersburg Water Utility that is installed or becomes operable from and after the effective date of this Ordinance shall have its own tap and be connected to a Town of Millersburg water line separate and apart from any other water tap or connection to the Town of Millersburg water system.

**Section 21 Authority of Superintendent**

21.1 In the event of unforeseen circumstances or developments or emergency situations, the Superintendent of the Town of Millersburg Water Utility is hereby vested with such authority and discretion as is needed in order to protect the public health, safety, and welfare in connection with the operation of the Town of Millersburg Water Utility.

21.2 A person shall not institute, permit, or maintain any conditions that may



jeopardize or threaten the public health and safety with respect to the Town of Millersburg water system. The Superintendent, upon hearing of the existence of such conditions, shall order the abatement of those conditions. The order must be in writing, specify the conditions that may jeopardize or threaten the public health and safety, and name the shortest reasonable time for abatement. If a person refuses or neglects to obey an order issued under this provision by the Superintendent, the Town of Millersburg attorney may, upon receiving the information from the Superintendent, institute proceedings in the courts for enforcement. An order may be enforced by injunction. If the action involves a criminal offense, A law enforcement authority with jurisdiction over the location where the offense occurred shall be so notified for further enforcement.

**Section 22 Ordinance Violation**

**22.1** Any resident/property owner failing to comply with any portion of this ordinance shall be guilty of an ordinance violation and shall be fined Twenty-five Dollars (\$25.00) per day for each day of non-compliance, up to a total fine of Two-Thousand Five-Hundred Dollars (\$2,500.00). The property owner shall further be responsible for all attorney fees and court costs incurred by the Town in enforcing this ordinance against the property owner and in collecting any fine imposed upon the property owner under this ordinance.

**22.2** Any person violating any of the provisions of this ordinance shall be liable to the Town of Millersburg for any expense, loss, or damage suffered by the Town of Millersburg by reason of such violation, including but not limited to, the costs and expenses expense, labor, and all other costs associated with the enforcement of this ordinance, including such costs associated with any court proceedings against any party by reason of their failure to comply with terms of this ordinance.

**22.3** Any person taking water from any public or private fire hydrant, faucet or in any using water for private use which is supplied by the Water Utility without the knowledge and consent of the Water Utility shall be charged a fee of \$200.00 unless the Water Utility can established that a greater fee should be charged by applying the schedule of rates and charges.

**22.4** Noncompliance to any of the terms stated in this ordinance will result in the following escalating enforcement procedures:

1. A 30-day Written Notice will be sent by certified mail to the user stating the specific violation, the recommended action, the time by which the violation must be cured, and the penalty for failing to cure such violation. The notice also will inform the user of his right to administrative review of the specific alleged violation.
2. A 10-day Final Written Notice by certified mail will be sent stating the specific violation, the recommended action, the time by which violation must



be cured, and the penalty to be imposed (discontinued service) if the violation is not cured.

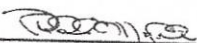
3. When the user has been provided with both required notices of noncompliance and fails to cure the same as provided in the written notice, service to the user will be discontinued.
4. Discontinued Service will consist of closing the control valve to the user's system, and the user will incur the standard monetary penalties for delinquent shut-off. The Utility will not restore service to the user until the Utility has determined that the user is in compliance with the provisions of this ordinance.

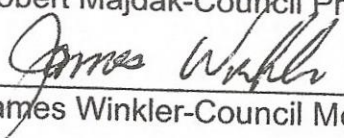
22.5 In the event that inspection of the user's premises or other compelling evidence shows an immediate hazard of public water supply contamination, the Utility is authorized to discontinue service to that user without prior notice. Written notice shall be filed with the Town Clerk's office and the County Health Department and a copy given to the user within three (3) days of such emergency action.

**Ordinance 2003-16 herein repeals Ordinances 2003-1, 2002-2 and 2002-7 effective immediately.**

**This Ordinance shall be in full force and effect from and after its passage by the Town Council, and proper legal publication. This 29<sup>th</sup> day of December 2003.**

**TOWN COUNCIL TOWN OF MILLERSBURG:**

  
\_\_\_\_\_  
Robert Majdak-Council President

  
\_\_\_\_\_  
James Winkler-Council Member

  
\_\_\_\_\_  
Max Miller-Council Member

**ATTEST:**

  
\_\_\_\_\_  
Wanda R Chupp-Clerk/Treasurer