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ORDINANCE NO. 2018-17

AN ORDINANCE UPDATING THE WATER DEPARTMENT RULES

SUMMARY

This Ordinance restates and updates the City of Auburn, Indiana Water Department Rules and Regulations for the City of Auburn, Indiana. The regulations are set forth in Exhibit “A” to this ordinance and upon passage shall be maintained by the Clerk-Treasurer and be available for public inspection, posted and codified within the Auburn Municipal Code in Chapter 53 on the City of Auburn web-site at www.ci.auburn.in.us. The rules shall further be published in a newspaper of general circulation.

_____ Recorder’s Office
_____ Auditor’s Office
_____ Clerk’s Office
_____ Other:

_____ x _____ Publish Public Hearing

_____ x _____ Publish O/R after adoption

ORDINANCE NO. 2018-17

AN ORDINANCE UPDATING THE WATER DEPARTMENT RULES

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUBURN,
INDIANA:**

Section 1.

The attached Exhibit “A” sets forth a restatement and modification to the City of Auburn Water Department Rules.

Section 2.

BE IT FURTHER ORDAINED that these this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the Common Council of the City of Auburn, Indiana, and appropriate publication of the summary of this ordinance with a statutorily accepted newspaper with circulation in DeKalb County, Indiana. The Ordinance shall be codified in the City of Auburn Municipal Code and be published on the City of Auburn, Indiana web-site and be available to the general public. The original ordinance shall be maintained by the Office of the Clerk-Treasurer and the codified version shall be placed on the City of Auburn’s web-based code. See Exhibit “A” attached hereto and made a part hereof.

JAMES FINCHUM, Councilmember

ATTEST:

Patricia Miller
Clerk-Treasurer

AUBURN – WATER

_____ First Reading
_____ 2nd Reading

Presented by me to the Mayor of the City of Auburn, Indiana, this ____ day of _____, 2018.

PATRICIA M. MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this ____ day of _____, 2018.

NORMAN E. YODER, Mayor

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_____ First Reading
_____ 2nd Reading

VOTING:

AYE

NAY

Mike Watson

Dennis K Kruse, II

James Finchum

Wayne Madden

Dennis Ketzenberger

Kevin Webb

Michael Walter

Exhibit “A”

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GENERAL PROVISIONS

53.001 SCOPE

The rules and regulations of the utility, as amended and supplemented from time to time, shall govern all water service rendered or to be rendered by the utility; shall be binding upon every customer; and shall constitute a part of the terms and conditions of every contract for water service, whether expressly incorporated therein or not or whether or not a signed application for water service is on file.

53.002 AMENDMENTS AND REVISIONS

The Board of Public Works and Safety and the Common Council of the city may, by appropriate action, amend, modify, delete, change, or otherwise revise the general rules and regulations of the municipal water utility as it may deem desirable or may deem necessary for the good of the utility operation for the public supply.

53.003 DEFINITIONS

For the purpose of 53.001 through 53.070 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION

The ~~Public Service Commission~~ **Indiana Utility Regulatory Commission** of the State of Indiana.

CONSUMER See "CUSTOMER."

CONTRACT

An agreement between the utility and the customer by which the utility sets forth its conditions to provide water service.

CURB STOP or SERVICE VALVE

A fitting inserted in the service pipe near the curb or main for turning on and shutting off water to the premises supplied or to be supplied.

CUSTOMER or CONSUMER

The person, firm, corporation, governmental agency, or association having interest, whether legal or equitable, sole or only partial, either as tenant or owner, in any property which is, or is to be, supplied with water service, either temporarily or permanently, by the utility and all those having such interest.

DISTRIBUTION MAIN

A pipe owned by the utility, located in a street, easement, road, right-of-way, or alley and used to deliver water:

To fire hydrants or fire lines.

To service pipes attached to the water main.

To private mains.

FIRE SYSTEM See "PRIVATE FIRE SERVICE"

METER

The mechanical device owned by the utility and used to measure and record the quantity of water supplied to the customer.

MONTH

The period between any two consecutive regular billings by the utility for service rendered to a customer at his premises. The billings are scheduled at intervals of approximately 30 days.

PLUMBER

A person or firm licensed by the State of Indiana, registered by the city and recognized qualified to perform plumbing services.

PREMISES

A dwelling, building, structure, or parcel of real estate which is normally supplied through a separate water service pipe and meter.

PRIVATE FIRE SERVICE or FIRE SYSTEM

A privately owned arrangement of pipes, fixtures, and devices designed for stand-by service and from which is taken only for the extinguishment of fires.

PRIVATE WATER MAIN

A privately owned pipe connected to the utility's distribution system and used to deliver water:

- 1) For private fire service purposes.
- 2) For general service purposes; services rendered through the private main shall be billed directly in accordance with established rates unless otherwise provided by written contract with the utility.

SECONDARY WATER SUPPLY

Water used on a premises as geothermal energy source, cooling water, manufacturing, and other supplemental water usually drawn from private wells or captured surface waters, located on or near the premises served by the utility public supply.

SERVICE CONNECTION

That portion of a service pipe situated between and including the tap and the curb stop, installed or maintained by the utility.

SERVICE PIPE

A supply pipe including pipe and fittings leading from the tap in the distribution system main to or into the premises supplied or to be supplied.

TAP or CORPORATION COCK

A fitting owned by the utility and inserted in the distribution main to be used as the service pipe connection.

UTILITY

The Auburn Water Utility, a department of the city, having its principal office at Cedar and Main Street, Auburn, Indiana, and engaged in furnishing the public water supply in the City of Auburn and its environs.

53.004 UTILITY SERVICES PROVIDED TO AREAS NOT ANNEXED

No city utility service, including water, will be provided outside of the territorial limits of the city without:

- A) A title search or letter from a title company certifying the owner of the real estate and providing a copy of the title deed;
- B) The execution and recording of a Consent to and Waiver of Notice for Annexation by the titleholder; and
- C) Payment of the costs of the title search and recordation of the Consent and Waiver by the titleholder.

53.010 RULES AND REGULATIONS ON FILE; INFORMATION PROVIDED TO CUSTOMERS

A) Rules on file

A copy of all rates, rules, and regulations under which water service will be rendered from the utility to its customers is on file for the convenience of the public in the general offices of the utility and with the ~~Public Service~~ **Indiana Utility Regulatory** Commission of the state.

B) Information provided by utility to applicants and customers

APPLICATION FOR SERVICE

~~1) The utility will publish and distribute, without request, a copy of a comprehensive pamphlet which, in clear language easily understandable to the layman, fully describes the rights and responsibilities of the customer/consumer.~~

1) 2) Upon request by the applicant or customer, the utility will furnish, free of

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charge, a copy of the rate schedule for new and existing customers.

- 2) 3) The utility, whenever it petitions the ~~Public–Service~~ **Indiana Utility Regulatory** Commission for a change in its rate schedule, will furnish to

each customer, within the prescribed schedule, a notice that fairly summarizes the nature and extent of proposed changes in existing rates.

53.011 WRITTEN APPLICATION OR CONTRACT REQUIRED

- A) A written service application or properly executed contract and paid receipt for all applicable fees and charges will be required from the applicant, including contractors or builders, before the utility will be able to supply service; however, the utility may reject an application for a valid reason. Where unusual construction or equipment expenses are involved in the furnishing of service, the utility may require the water services contract to be for an appropriate period of time specified by the utility with notification of termination of water service.
- B) A prospective service application customer must show positive identification when applying for service, such as a driver's license, **state issued I.D., or government issued passport.** A written contract for service shall be in full force and effect until the party contracting for service serves the utility with notification of intent to terminate water service.
- C) Should the utility deny service, the utility shall immediately notify the applicant, in writing, stating the precise facts upon which the utility based its decision and shall provide the applicant with an opportunity to rebut these facts and show facts demonstrating creditworthiness.

53.012 MODIFICATION OF CONTRACT

No promise, agreement, or representation by any agent, employee, or officer of the utility shall be binding upon the utility unless incorporated in a written contract signed and approved by an agent authorized to sign the contract on behalf of the utility and its administrators. No adjustments to applicable rates as set forth in the rate schedule shall be allowed in any case and under any circumstances.

53.013 ASSIGNMENT OF CONTRACT

The benefits and obligations under any contract for supply of water by the utility will begin when the utility commences to supply water in service thereunder and shall inure to and be binding upon the successors or assigns or survivors, executors or administrators, as the case may be, of the original parties thereto, respectively, for the

full term thereof; provided, that no assignment thereof shall be made by the customer or by any successor, assign, survivor, executor, or administrator unless there be expressed written consent by the utility to any assignment.

53.20 WATER DEPOSITS

A) Residential

- 1) The utility shall require from each new customer for utility service a cash deposit equal to the customer's estimated billing for a period of one-sixth (1/6th) of the estimated annual billings of the property being serviced, but not less than \$50.00, as a deposit and guarantee against nonpayment of bills for service for those who fail to establish creditworthiness. For newly constructed homes, the estimated annual billing shall be based on a home with similar square footage as determined by the Clerk-Treasurer. Applicants for residential service shall establish creditworthiness by a criterion that is established without regard to economic character of the area which the applicant resides; and solely upon the credit risk of the individual without regard to the collective credit reputation of the area in which he or she lives.
- 2) Each new applicant for residential utility service shall be deemed creditworthy and shall not be required to make a cash deposit as a condition of receiving service if the applicant satisfies the following criteria:
 - a. If the applicant has been a customer of any utility within the last two (2) years, the applicant: (i) owes no outstanding bills for service rendered within the past four (4) years by any such utility; (ii) during the last twelve (12) consecutive months that the service was provided, did not have more than two (2) bills that were delinquent to any utility or, if service was rendered for a period for less than twelve (12) months, did not have more than one (1) delinquent bill in such period; and (iii) within the last two (2) years did not have a service disconnected by a utility for nonpayment of a bill for services rendered by that utility.
- 3) If the applicant has not been a customer of a utility during the previous two (2) years, any two (2) of the following criteria are met:

The applicant either:

 - a. Has been employed by his or her present employer for two (2) years;
 - b. Has been employed by his or her present employer for less than two (2) years, but has been employed by only one (1) other employer during the past two (2) years; or
 - c. Has been employed by the present employer for less than two (2) years and has no previous employment due to recently graduating from a school, university, or vocational program or being discharged from military service.

- d. Either owns or is buying his or her home or is renting a home or an apartment and has occupied the premises for more than two (2) years.
 - e. The applicant has credit cards, charge accounts, or has extended credit by a bank, commercial concern, or individual unless a credit check shows that the applicant has been in default on any such account more than twice within the last twelve (12) months.
- 4) If the applicant fails to establish that he or she is creditworthy, the applicant may be required to make a cash deposit. Such deposit shall not exceed one-sixth (1/6th) of the estimated annual cost of service to be rendered to the applicant. A utility may require a present customer to make such deposit when:
- a. The customer has been mailed disconnect notices for two (2) consecutive months;
 - b. The customer has been mailed disconnect notices for any three (3) months within the preceding twelve (12) month period; or
 - c. The service to the customer has been disconnected within the past four (4) years.
- 5) The amount of such deposit may not exceed an amount equal to one-sixth (1/6th) of the expected annual billings for the customer at the address at which service is rendered. Deposits may be held more than twelve (12) months and shall not earn interest. ~~Requirements for interest upon deposits shall be as follows:~~
Following customer –requested termination of service, the utility shall:
Apply the deposit as applicable to the final bill.
- 6) Each utility shall maintain a record of each applicant or customer making a deposit that shows the following:
- a. The name of the customer.
 - b. The current address of the customer so long as he or she maintains an active account with the utility in his or her name.
 - c. The amount of the deposit
 - d. The date the deposit was made.
 - e. A record of each transaction affecting said deposit.
- 7) Each customer shall be provided with a receipt from the utility at the time his or her deposit is paid in full. ~~or he or she makes a partial payment.~~ The utility shall provide a reasonable method by which a customer who is unable to locate his or her receipt may establish that he or she is entitled to a refund of the deposit. ~~and payment of interest thereon.~~
- 8) Any deposit made by the applicant, customer or any other person to the utility (less any lawful deductions), or any sum the utility is ordered to refund for utility service that has remained unclaimed for one (1) year after the utility has made diligent effort to locate the person who made such deposit or the heirs of such person, shall be presumed abandoned and may be transferred to the utility's operating fund.

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- 9) A deposit may be used by the utility to cover any unpaid balance following disconnection of service.
- 10) In no event shall services be provided to any customer who is a renter or contract purchaser, unless the owner of the real estate signs the application and agrees to be responsible for any service rendered to the property in the event that the renter or contract purchaser fails to pay the charges rendered for service. The owner of a property may require a co-signor on utility accounts for renters, who shall sign the application and provide name and contact information to the Clerk-Treasurer's Office of the City of Auburn. The co-signor shall sign the appropriate forms with the City of Auburn that shall jointly bind the individual for any past due accounts on said property. The City shall make efforts to pursue collection of past due accounts from the customer and the co-signor before pursuing the owner of the property. Notice of the past due account shall also be made to the owner of the property being served before taking legal action. All demands for payments for past due accounts made shall be copied to the property owner and the owner shall be made aware that failure by the customer and/or co-signor to pay the account may result in legal action against the customer, co-signor and the owner jointly in a Court of competent jurisdiction. The owner of the real estate shall have ultimate responsibility for all past due accounts.
- 11) The utility shall require current customers to maintain a deposit equivalent to one-sixth (1/6th) of the properties annual billing but not less than \$50.00 if the customer has been mailed a disconnect notice for two (2) consecutive months or any three (3) months within the preceding twelve (12) month period, or when the service has been disconnected. In cases where the deposit is required as a result of a disconnection for nonpayment, full payment of the deposit will be required prior to restoration of service.
- 12) Any deposit will be refunded promptly, along with a statement accounting for each transaction involving the deposit, upon successful termination of services between the customer and the City of Auburn.
- 13) The procedure following a customer request for termination of service is as follows:
 - a. The utility will require payment of any past due balance currently billed and owed.
 - b. The utility will apply the deposit to the final billing.
 - c. Any portion of the deposit remaining after the application will be forwarded to the customer.
- 14) The utility will maintain a record of each applicant or customer making a deposit which will indicate the following:
 - a. The name of the customer.
 - b. The current address of the customer so long as there exists an active account with the utility in the same name.
 - c. The name of the owner of the property.

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- d. The current address of the owner of the property.
 - e. The name of the co-signor.
 - f. The current address of the co-signor so long as there exists a current account with the customer and the utility department.
 - g. The amount of the deposit.
 - h. The date of the receipt of the deposit.
- 15) Each customer shall be provided a **written** receipt from the utility at the time the deposit is paid.
- 16) Any deposit made by the applicant, customer, or any other person to the utility (less any lawful deductions) or any sum which the utility is ordered to refund for utility service, which has remained unclaimed for one (1) year after the utility has made diligent efforts to locate the person who made the deposit or the heirs of the person, will be presumed abandoned and may be transferred to the utility's operating fund.
- 17) A deposit may be used by the utility to apply toward any unpaid balance following disconnection of service provided, however, any surplus may be returned to the customer. In instances where the deposit is used to pay arrearages, the utility shall require a new deposit to replace that applied to the unpaid balances before service is restored.
- 18) The procedure for taking legal action on past due accounts shall be as follows:
- a. At all times, owners, customers and co-signors shall have access to all account information upon request.
 - b. Upon a disconnect notice being issued a duplicate of said notice shall be sent by regular U.S. Mail to the co-signor and/or owner of the property involved. No disconnection shall take place until proper notice has been given to all relevant parties.
 - c. After disconnection and before any legal action is taken a demand letter shall be sent requesting that the account be made current within ten (10) days.
 - d. Should the account not be made current within ten (10) days, the City of Auburn shall then take action against the customer, the co-signor, and the property owner in a competent court of law in an effort to recover the unpaid utility services.
 - e. Any judgment rendered shall act as a judgment on the real estate until said time that the amount is paid by the account holder.
- 19) Utility deposits shall only be released to a third party upon written agreement between the owner of the deposit and the third party being presented to the City of Auburn Utility Department.
- 20) The City of Auburn shall develop a form that will be signed by all customers, co-signors, and owners regarding the provisions continued in this chapter.

B) Non-Residential

All new non-residential customers may make a cash deposit to assure payment of such customer's bill for utility services. Such deposit may be required may be required as a condition for obtaining service. Deposits taken shall not exceed one-sixth (1/6th) of the estimated annual billings for the property being serviced. Deposits received shall be refunded after a period of twelve (12) months, if said customer has made timely payments for said period. If timely payments have not been made the deposit shall be held until such time as timely payments have been made for twelve (12) consecutive months.

53.020 as amended Ordinance 2017-01 passed 2/7/2017

53.021 DESCRIPTION OF SERVICE TO BE FURNISHED

- A) Upon request, the customer shall present to the utility a written list of the devices to be attached to the utility lines, giving the location of the building. The utility will advise the form and character of the supply available to the customer.
- B) The City Water Department shall require all commercial and industrial customers to provide the required approved backflow prevention device at the point of the water meter location.

53.022 TURNING ON WATER SERVICE

- A) Until a contract for water service has been executed and a meter installed, ~~or a three-month use permit~~ a \$20 Temporary Construction User fee will be paid for un-metered water usage at the time a residential building permit is pulled, for residential construction obtained, or special arrangements are made to pay for other temporary un-metered water usage, water shall not be turned on at any premise, and then only by the water utility representative. Water ~~will~~ may not be turned on unless there is at least one adult person present to see that all water outlets on the premises are closed in order to prevent water damage.
- B) Should the utility schedule an appointment for turning on a water service, for any reason, other than credit turn-ons, and the customer fails to keep that appointment, the return trip to the premises will cause an added trip charge of ~~\$15~~ \$75 to be levied to the account.
- C) When water is required to test plumbing before a water contract has been executed and meter installed, a water utility employee shall be called to make the turn-on and turn-off.
- D) It is a violation of both the water utility's general rules and regulations and this code for anyone except a water utility employee to make these turn-ons and turn-offs.
- E) A fee of ~~\$15~~ \$75 shall be charged by the utility for turning water service off and on for the purpose of making repairs to a private plumbing system or for an

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extended absence and similar occasions when the turn-on or turn-off is for the benefit or convenience of the customer.

- F) No person but an authorized representative of the utility, Fire Department, City Street Department, or City Water Pollution Control Department shall open or operate any fire hydrant to which water is supplied by the utility, or remove the nozzle cap from the hydrant.
- G) Violation of this rule will subject the offender to the penalty provided in 53.999 and for payment of the estimated quantity of water used or wasted during the period the water was turned on without authority of the water utility.

53.023 DISCONTINUANCE OF SERVICE

A) Customer requested service

- 1) ~~The customer~~ Residential customers shall notify the utility ~~at least seven a minimum of one~~ working days, ~~and Non-residential customers a minimum of three working days,~~ in advance of the day discontinuance is ~~needed requested~~. In the case of termination of a fire protection service, the customer's notice shall be in written form, signed by an authorized agent/representative of the customer. The customer shall remain responsible for all the service used and the billings therefore until service is terminated pursuant to notice by the customer.
- 2) Upon request by a customer of the utility to discontinue service, the utility shall discontinue the service ~~within seven working days~~ on the date, of the requested discontinuance. The customer shall not be liable for any service rendered to the address or location after the expiration ~~of these seven working days~~ of said date. The customer is responsible for providing access to the premises for an actual final reading ~~within the seven-day period~~ on the date of requested discontinuance. Failure to do so will result in the utility rendering a final bill based on an average of previous consumption. No adjustments will be made after the expiration of the ~~seven-day period~~ requested date of discontinuance.
- 3) There will be no abatement of charges in whole or in part by reason of the extended absence of the customer for any cause unless the utility has been notified to turn off water service.
- 4) When water service is temporarily discontinued at the request of the customer, a charge of ~~\$15~~ \$75 for turning off and on the water service will be made to the customer.
- 5) This section will not apply to any case where a customer has entered into a contract with the utility to take service from the utility for a definite period of time specified or provided for in the contract, and the stipulated time has not expired.
- 6) The utility will perform disconnect services only between the hours of 8:00 a.m. and 4:00 p.m., prevailing local time, subject to fulfilling the utility's rules and regulations as may apply. The utility will not disconnect or terminate water service for nonpayment on any day on which the utility's offices are closed to the public, or after 12:00 noon of the day that is immediately

preceding any day on which the utility office is not open to the public.

B) Without customer's request

- 1) The utility may disconnect service without request by the customer:
 - a) When an emergency exists.
 - b) For any unauthorized use of water.
 - c) For maintaining an unprotected cross-connection of a water customer's piping to any other source of water supply or for permitting any condition to exist on or about the customer's premises that causes or might cause contamination or the pollution of the utility public water supply, or any part thereof.
 - d) Upon order by any authority having jurisdiction over matters of public water supply.
 - e) For failure to repair any leak in the service piping or appurtenances between the service connection and the meter, or in any private fire protection system, or other un-metered facilities.
 - f) For tampering or knowingly permitting tampering with any service piping, curb stop, service valve, meter, or meter seal, or any other appliance or equipment owned by the water utility.
 - g) For the vacating of a premises, or abandonment of premises.
 - h) For issuing a bad check or draft to the water utility.
 - i) For the failure to comply with the terms of a credit agreement.
 - j) For failure to pay a cash security deposit in accordance with the utility's rules and regulations or rate structure.
 - k) For failure to pay in accordance with the rules, any water billings or other charges in connection with water utility service installations or facilities at the service address, other service address, or otherwise, except as noted hereafter.
 - l) For failure to provide free and non-hazardous access to the premises and meter, appliances, or other utility- owned equipment for the utility to read meters, make inspections, **additions, upgrades,** replacements, **and** relocations of meters, appliances/equipment.
 - m) For failure to maintain or cause to be maintained approved meter settings, meter pits, and vaults.
 - n) For the installation of a new water service pipe and appurtenance or altering or removing existing service pipe and appurtenances, including the meter, without written authority by an authorized agent of the water utility.
 - o) For waste or excessive use by a customer on a special purpose un-metered rate, in excess of contract.

- 2) In each case, except those arising under divisions (a), (b), (d), (f), (g), (h), (i), (j), (n), and (o) above, the utility will issue written notice of at least five days either mailed to the customer at the address of record, or personally delivered to the customer or person on the water customer's premises, advising the customer of the reason for the proposed termination of water service and stating that service will be discontinued if the reason continues and is uncorrected.

In most cases, the Customer shall have the option of an administrative hearing before the Board of Public Works and Safety

- 3) When water service to the premises has been terminated for any reason, water service will be restored only upon proper application to the utility after conditions of the notice of termination have been properly corrected and inspected by the utility, when all charges due from the customer have been settled, and when arrangements have been made to provide access to the premises during regular working hours of the utility, 7:30 a.m. to 4:00 p.m. No payments in lieu of disconnections will be accepted by utility personnel in the field. A ~~\$15~~ **\$75** service charge will be due and owing at the time the disconnect order is issued, whether disconnection of service has been effectuated or not prior to the correction of the condition or conditions under or contained in the notice of which service was scheduled to be discontinued. If the termination or restoration of service involves any excavating, the cost of the work shall be borne by the customer.
- 4) Should the conditions under which service was discontinued not be corrected within 60 days, the utility shall have the right to finalize the customer's account. In the absence of a final meter reading, the utility will render a final bill based on the average of previous consumption; if arrangements are made within seven working days after or following the date of the final billing, adjustments will be made. No adjustments will be made after the expiration of the seven-day period.
- 5) Reconnection of the service is included in the initial base service charge of ~~\$15~~ **\$75**; however, if the utility schedules an appointment for reconnection and the customer fails to keep that appointment, an additional service charge will be added for each and every additional service call, plus any applicable hourly charges for utility personnel.

C) Prohibited disconnections

- 1) Except as otherwise provided, the utility will postpone or cause to be postponed, the disconnection of water service for 30 days, if: prior to the disconnection date specified in the notice of disconnection, the customer provides to the utility a medical statement from a licensed physician or public health official which states that discontinuance of water service would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement or disconnection will be continued for one additional 30-day period upon the

furnishing of an additional medical statement.

- 2) The utility will not disconnect service to the customer:
 - a) Upon failure to pay for the service rendered at a different meter address, residence, or location, if the billing has remained unpaid for less than 45 days.
 - b) Upon failure to pay for services to a previous occupant of premises to be served, unless the utility has good reason to believe the customer/applicant is attempting to defraud the water utility by using another name.

53.024 SERVICE CONNECTIONS

- A) The utility reserves the right to determine the placement of each service connection so that the curb stop will, as a general rule, be located between the present or proposed sidewalk and curb, or at such other location that will, in the judgment of the utility, provide a safer, more convenient, or more satisfactory location for the curb stop and service box. All commercial and industrial customers shall obtain written approval from the Water Department Superintendent prior to installation of any approved backflow prevention protection device. Plans shall include full details of the proposed installation.
- B) The utility will furnish labor, equipment, and materials and the installation of the service connection, including the tap in the water main, curb stop, and box, and that portion of the service pipe between them. The customer shall pay the utility for the cost of the service connections installed by the utility. ~~Basic 5/8-inch meter service is installed for the price of \$295.~~ Service connection pricing and fees are listed in the water rate ordinance. For installations requiring longer than usual piping runs and runs made in congested areas, ~~and for larger than 5/8-inch,~~ the actual or estimated costs shall be paid accordingly.
- C) The customer, at no expense to the utility, shall install or cause to be installed the service piping beyond the curb stop and into the premises. The utility or the City Building Inspector or Commissioner reserve the right to inspect each service run made by a plumber, contractor, or individual, for proper materials and depth of the service before the service trench is backfilled. However, the quality of material and workmanship shall be the customer's responsibility and must conform to applicable plumbing codes and standards as if specifically mentioned.
 - 1) Service piping of three inches and larger in diameter shall be disinfected, at the customer's expense, before the water supply shall be turned on for service. The customer shall perform or cause to be performed, disinfection of the piping and appurtenances in compliance with the State Board of Health Standards. There shall be at least three samples obtained from the service piping on consecutive days and must be proven satisfactory for usage, which shall be reported in writing to the utility by a laboratory qualified to make the analysis and be acceptable to the utility.
 - 2) Ten days after water main installation, all testing must be completed per the

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utility rules and regulations. Hydrostatic test, chlorination, and three consecutive samples are to be taken with two consecutive satisfactory bacterial tests before the main is accepted for service. No building permits, occupancy permits, or water service can be provided until all testing is completed and accepted by the city. If all testing is not completed in ten days, the City Water Department may complete the testing and bill the owner of the water lines the utility's costs for testing. No water service shall be provided until all charges incurred by the utility are paid in full.

- 3) Water is furnished through a single service pipe to one property. Where a single property consists of several units or buildings, and is served by a single service pipe, the property owner has the option of valving and metering each unit or building separately. A separate valve must be provided outside the building, and accessible to the utility, for each unit or building metered. The utility may make special arrangements for exceptional situations as required.
 - 4) In a case where a service has been installed prior to the adoption of and not in accordance with these general rules and regulations, where water is being taken from a single curb stop for supply for two or more units, buildings, or premises, each customer benefiting from these arrangements shall be responsible for the payment of the individual usage charges and all other legitimate charges.
 - 5) Any violation of the rules of the utility by either of the occupants of the premises shall be deemed a violation as to all, and the utility may enforce compliance with these rules by terminating the water supply to all, except that this action will not be taken until the innocent customer not in violation of the utility's rules has been issued written notice and a reasonable opportunity to attach the service to a separately controlled service as if a new applicant.
- D) All service piping shall be ~~grey-cast~~ or ductile ~~cast~~ iron, brass, or type "K" copper or approved plastic materials from the curb stop to the meter. No service pipe shall be less than ~~5/8~~ 3/4-inch nominal diameter, and all service pipes shall be installed with a minimum of four feet of ground cover. The Water Superintendent shall provide a list of all materials that are approved for installation to the property owner, owners agent, water contractor, or developer as required.
- E) Service pipes, curb stops, service boxes, meter pits, stop and waste valves, and other fixtures used in the installation of, repairs to, or additions to service pipes shall be of a type and quality approved by the utility. The material and supplies of any manufacturer in accordance with the utility's standards is allowed.
- F) New service piping between the water main and a building shall be run in a straight or direct line when practicable, without bends and at a depth of not less than four feet. Pipe with joints shall not be driven. Service pipes shall not be placed in the same trench with sewers or other piping and shall be in accordance with state, local, and applicable standards, codes, regulations, and

ordinances.

- G) There shall be no physical connection from a secondary water supply to any service provided by the utility. The connection shall be cause for immediate termination of water service, as provided in 53.023(B).

53.025 MAINTENANCE OF SERVICE PIPES AND METER BOXES

- A) The service connection and fixtures from the water main to and including the curb stop or service valve will be maintained in good repair at the expense of the utility against damage, corrosion, tuberculation, or other deterioration. However, if replacement is due to increased demand by the customer, the replacement shall be at the customer's expense.
- B) The customer shall maintain the service, pipe fixtures, and its appurtenances (meter excepted), from the curb stop or valve into the property served by the utility, including leaks and other defects promptly.
- 1) All private service lines or water mains shall be maintained by the customer or owner, regardless of location, unless the utility has accepted, in writing, for maintenance by the utility.
 - 2) Should needed repairs to any private service line or water main not be completed within five days after issue of written notice to the customer, the customer or owner may be charged ~~\$15~~ \$30 per day for each day following the five-day grace period, that the leak or repair is allowed to continue.
- C) All meter boxes, pits, **curb boxes**, or vaults installed on private property regardless whether constructed or installed by the customer or the utility shall be maintained in good condition by the customer at their expense.
- 1) When meter boxes are of an approved frost-proof type and located within a public right-of-way by the utility, the utility will maintain the boxes at utility expense.
 - 2) The utility will not maintain piping and appurtenances leading to and from the meter boxes except the piping between the water main and the curb stop, as referred to in division (A) above.

53.026 THAWING FROZEN PIPES

- A) The thawing of frozen service pipes is the customer's responsibility, except for service lines from the water main leading to the curb stop or valve.
- B) The thawing of customer service pipes **from the curb stop or valve, to and including, the inside of the structure, may or may will** not be performed by the utility personnel. **Repairs of ruptured lines will be arranged by the customer with a private plumber and shall be at the expense of the customer.** ~~depending on the circumstances and the amount of scheduled work to be performed by the utility normally.~~
- ~~1) If the utility performs thawing activities, the utility shall first require a signed agreement from the customer covering the thawing service prior to the work commencing.~~

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~~2) Thawing service will be performed during regular working hours at a flat rate charge for each time the service is requested of the utility. Work performed after regular hours or on holidays is subject to the rates applicable for the personnel involved at an increase of 50%.~~

~~3)~~

C) Upon request by the customer, the utility will make a basic inspection/investigation of the customer service and advise of the needed repairs as determined. No excavation of the location will be performed by the utility on the premises. A service charge of ~~\$15~~ **\$75** may be levied for the investigation service, to the customer or owner of the location.

53.027 INSIDE PIPING AND SERVICE LINES

- A) Each water service applicant shall provide a main supply shut-off valve or valves, just inside the building foundation wall, along with all piping and appurtenances, installed and maintained by the applicant. All work and materials shall be subject to inspection and approval by any authorized inspector in accordance with the utility general rules and regulations or other regulatory agencies as applicable.
- B) ~~Each **All** service connections of 5/8-inch in size shall be fitted with a compression-type stop and waste valve on the inlet side of the meter separate inlet and outlet valves for each water meter installed.~~ Each water service connection of one inch in size or larger shall be fitted with a gate or ball-type shut-off valve or valves on both the inlet and outlet side of the meter.
- C) Service lines of larger sizes or supplying special equipment may require special valving and fitting arrangements as specified in 53.040 and elsewhere in this subchapter.

53.028 CROSS-CONNECTIONS AND BACKFLOW

- A) The designation of an approved protection device is available from the Water Department Superintendent upon request.
- B) No cross-connections or conditions which might permit potentially the backflow of contaminants or pollutants from a customer's piping system into the public water distribution system shall be permitted.
- C) Piping systems within the customer's premises shall conform to the latest revision of the cross-connection regulation ordinances and rules of the water utility and governing agencies, which are by reference made a part of the general rules and regulations, the same as if printed herein.
- D) Installation shall be subject to approval of the utility and any authorized inspector having jurisdiction over the connections, and shall be maintained in accordance with manufacturer's specifications and in total compliance with applicable rules, regulations, and guidelines.
- E) Water meter installations are subject to approval from the Water Utility Superintendent, to be in compliance with Section 13 of the rules and

regulations.

- F) All premises within the service area of the water utility shall conform to the requirements of the rules and regulations as amended.

53.029 CROSS-CONNECTION PROTECTION DEVICES

- A) Any service connection from the Water Department system shall be protected from any and all threat of any type of cross-connection of any kind. This protection shall be the sole responsibility of the water consumer to provide approved cross-connection control protection devices at any and all locations, where the threat of system entry or penetration may exist along the system.
- B) Cross-connection control protection devices shall be of an approved type as recognized by either of or including: Uniform Plumbing Code, State Board of Health, Water Supply Division, American Water Works Association, United States Environmental Protection Agency, and other applicable regulatory agencies, and shall be certified as acceptable by a certified cross-connection control technician, with final approval obtained in written form from the Water Department, prior to the installation of these devices.
- C) Unauthorized or unapproved connections of any type, either directly or indirectly, to any piping that contains water from the Water Department system, shall be cause for termination of water services from the Water Department, with subsequent removal of the service to the consumer or customer of the Water Department.
- D) Reference documents of record for implementation of this section are Requirements for Protection of Public Water Supplies From the Introduction of Contaminants Through Cross-connections, 320 IAC3 as it presently exists or is hereafter amended, and the Uniform Plumbing Code, and the American Water Works Association, and other applicable standards and regulations, including the terms, definitions, and interpretations as set forth in these regulations with any revisions thereto, shall become as part of this section as specified hereto and as referenced herein.

53.030 USE OF BOOSTER PUMPS

- A) No booster pump shall be installed, taking its suction or supply from the utility's water distribution system, without the expressed written approval of the utility.
- B) In all booster pump installations, the suction of the pump shall be connected to an atmospheric tank with city water flow entering the tank being controlled by an automatic float valve and discharging freely into the tank two pipe diameters, or a minimum of six inches, above the positive overflow level of the tank.
- C) As an alternate, suitable, control valve limiting suction pressure of the pump to a minimum 20 psig, may be allowed with prior approval by the utility in writing. Proper and continuous operation and maintenance shall be the customer's responsibility and expense.

53.031 ACCESS TO PREMISES

- A) The utility's authorized representative shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of inspecting or testing cross-connection protective devices, atmospheric tank installations, booster pump-vacuum breaker-type valves, general plumbing, as well as ~~meter readings, inspection, repairs, testing, removal, replacements, and relocation~~ **read meters, make inspections, additions, upgrades, replacements, and relocations of meters, appliances/equipment** in connection with the water service. Failure to provide or allow access for the utility to the customer premises for the herein stated purposes, after written notice of the purpose, shall be cause for discontinuance of water service.
- B) Any customer providing a secondary water system supply on the customer's premises or available to the premises, shall be required to give reasonable access to the utility representative during any inspection of the customer's premises. The customer shall be required to provide evidence that no connection exists between the customer secondary supply and the public water supply system.
- C) The customer shall comply with all rules and regulations as set forth by applicable local, state, federal, and health agencies as if in writing herein. (See 53.024(G)) Failure to comply as stated shall be cause for immediate termination of water service to the premises with notice of the violation to the State Board of Health and other agencies having jurisdiction over such matters. Water service shall not be reinstated until proof of compliance is furnished to the utility.

METERING; BILLING

53.040 METERING

- A) 1) Unless specified in or by contract or tariff on file, all of the water provided to the customer shall be measured by meters of standard manufacture, furnished and installed by the utility in accordance with the requirements of the utility in force and effect, and as amended from time to time.
- 2) The customer shall provide a suitable location for the placement of the meter, near the service entrance either in the basement, in an approved meter box or in a location approved by the utility prior to the water service installation. **Meters shall not be installed in crawl-spaces. Whenever extensive plumbing changes are being made where the meter exists in the crawl space, the customer shall provision to re-locate the meter to a more accessible area. For example, the basement, a closet, utility room, beneath a sink, or in an attached garage. Customer may contact the utility to discuss these options.**
- B) Size and type of meter
 - 1) The utility will designate the minimum size and type meter to be installed for

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each customer. Each building to be served from the water main shall be supplied by at least a ~~3/4-inch or~~ one-inch line.

- 2) For water services larger than the minimum size, the utility will reserve the right to designate the number and size of meters that can be supplied for the service requested.

C) Irrigation Meters

- 1) Irrigation meters may be purchased and installed at request of the customer to allow for use of sewer-deduct water for the purposes of lawn and garden irrigation, and pool filling. Customer shall be responsible for all costs associated with scheduling a plumber to make any necessary plumbing changes, as required by the utility, to allow for the installation of the irrigation meter. All plumbing changes made shall be inspected by the utility before the irrigation meter is installed. All Irrigation meters will be billed year-round, on a monthly basis.
- 2) Customers who have irrigation meter(s) and do not wish to pay the monthly costs associated with such, have the option of having the irrigation meter(s) removed. Customer shall be responsible for all costs associated with scheduling a plumber to make any necessary plumbing changes as required by the utility, to allow for the removal of the irrigation meter and ALL connections to the main service line supplying the irrigation meter being removed. At completion, the utility will inspect all plumbing changes made. An approved inspection will then allow the monthly costs associated with that irrigation meter will be removed from the customer's future utility bills beginning at the start of the next billing cycle.
- 3) In new construction, wherever the structure is pre-plumbed for an irrigation meter, and before water service is activated to the property, customer must either purchase and have an irrigation meter installed at the same time the domestic water meter is installed, OR have all plumbing connections for the irrigation meter removed by a plumber then inspected by the utility.
- 4) No plumbing connections for irrigation are allowed to exist without the installation of an irrigation meter.

D) ↻ By-pass

- 1) A by-pass arrangement around all new meter installations will be required under any of the following circumstances.
 - a) The service line on the meter outlet side is 1-1/2 inches or larger.
 - b) The service line, regardless of size, serves refrigeration equipment or water supplied is used in and for cooling.
 - c) The water service must not, for any other reason, be so interrupted while the meter is being repaired or replaced.
- 2) The by-pass shall be furnished and installed by the customer in accordance with the utility's specifications or codes. Where existing piping, not containing a by-pass, is altered to meet any of the above conditions, the alteration shall also include a by-pass arrangement.

E) ↻ Protection of property

- 1) All meters, appliances, equipment, and appurtenances furnished by the utility and which may be on the customer's premises, shall remain as the property of the utility, unless otherwise expressly provided herein. The customer shall protect the property from freezing, loss, or damage, and shall not be permitted to remove, tamper, or alter the property.
- 2) The customer shall be responsible and liable for all damages to the utility's property while on the premises in the event that the property is damaged from freezing or hot water and shall pay for cost for repair or replacement necessary to restore service and required accuracy of the metering. Upon repeated instances of damaged meters due to negligence of the customer, the utility can refuse service until the customer can properly protect the equipment from the damage.

F) ↻ Repairs

Ordinary repairs to meters will be performed by the utility without expense to the customer.

G) ↻ Testing for accuracy

A meter will be tested for accuracy upon request from the customer. A utility will first investigate the premises for other of reasons for excessive water usage before removing the meter for testing.

- 1) If leaks are found or if the meter test establishes accuracy of the meter to be between 98% and 102%, the utility may make a service charge of at least \$15 **\$75** for either service activity. The customer may have a representative present during the investigation or testing.
- 2) The testing or investigation will not be performed more than once in 12 months, unless the customer has abnormally high billings. A report of the results of the test will be made to the customer and a complete record of the test will be maintained by the utility.

H) ↻ Seals

The utility may place seals on any water meter, by-pass, or related couplings, in and for any premises, and will replace the seals found to be broken or removed. The water supply may be turned off if the seals are found to be broken or removed.

I) ↻ Multi-family dwellings

Where water is taken through one meter servicing a multi-family dwelling, the utility requires the owner of the real property to maintain the billing in the owner's name.

J) ↻ Remote-read **Meter reading** equipment

- 1) All users **of the utility's** water service ~~of the city~~ shall have installed, at the user's expense, an outside remote water meter reader **station device**.

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- 2) All outside remote water meter reader stations shall be installed by the City Water Department; the meters will be read at the time of the electric meters; and charges for water and sewer will be billed on the same time intervals and along with the user's electric bill.
- 3) New meter applicants shall have installed remote **/AMI meter reading read** equipment as designated by the utility within its ordinances, general rules and regulations, and schedules of installation, in effect.

K) Fire Hydrant Meters

- 1) For bulk tanker and pool filling, customers may purchase water in larger bulk amounts by utilizing the water filling station at the Water Department, or at customer's request, the Utility can set a fire hydrant meter for use in bulk tanker and pool filling. To utilize the filling station at the Water Department, customer shall pay a meter maintenance/convenience charge of \$40 per month, plus water usage, to be billed at the current rate approved by the Indiana Utility Regulatory Commission.
- 2) When a customer requests to have the Utility set a fire hydrant meter for temporary use such as bulk tanker filling, pool filling, or for irrigation, the Utility will evaluate and determine which Hydrant, if any, are suitable for use in such purposes. Once a suitable hydrant has been selected, the customer shall pay a temporary hydrant meter set fee of \$75, plus water usage, to be billed at the current rate approved by the Indiana Utility Regulatory Commission. Further arrangements may be made by the Utility for contractors requiring the extended use of hydrant meters. This temporary use will not be for more than seven days. Section 3 below outline rules regarding extended use. The Utility will deliver and set the hydrant meter with a valve that can be operated by the customer. When available, hydrant meter hoses can be delivered for use free of charge.
- 3) Contractors requesting extended usage of hydrant meters shall pay a temporary hydrant meter set fee of \$75 per month, plus water usage, to be billed at the current rate approved by the Indiana Utility Regulatory Commission. Contractors are required to call in/report meter usages to the Utility on the first of every month for invoicing. Failure to comply will result in an estimated minimum usage of 20,000 gallons for that month
- 4) The following applies to all fire hydrant meter usage as described above: When finished with use of the fire hydrant meter, customer shall notify the Utility. Customer also responsible for rolling up and leaving the hoses for pick-up at the location of the hydrant meter, otherwise an additional charge of \$75 will apply. Unless approved ONLY by the Water Utility, laying hoses across streets, alleys, and driveways is prohibited. If the fire hydrant, or hydrant meter is damaged by the customer due to negligence or misuse, the customer is responsible for all costs associated with such.

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- A) All new dwelling units constructed within the service areas of the utility shall be pre-wired by the builder with suitable transmission wire as a part of the construction costs to the unit.
- B) When the water service is ordered for the unit, a reasonable fee will be charged by the Building Commissioner, in addition to the costs of the water service connection, to compensate for materials, labor, or equipment to install a water meter remote read unit at the location in the new dwelling unit.

53.042 BASIS FOR MONTHLY BILLING

- A) All water usage charges, other than for un-metered fire service or other special purposes, will be calculated upon the registration of the meter or meters installed. This registration shall be prima facie evidence of the amount of water used.
- B) The utility will make an effort to read meters every month or at intervals as designated by the Board of Public Works and Safety.
 - 1) In the event that the utility is unable to read the meter, or should the meter fail to register, or if the utility is unable to gain access to the customer's premises, the customer will be billed on the basis of average of consumption as shown by the record of previous meter readings.
 - 2) The first charge after a meter reading is obtained will be then adjusted by averaging consumption over a period from the last reading, charging for each period in accordance with the schedule of rates in effect for the periods, and allowing credit for the amount of estimated billings as applicable to the event.
- C) After ~~six~~ **three** consecutive months of estimating, the utility will automatically boost the consumption to four times the estimated amount. The customer will continue to be billed at the boosted rate until such time as an actual read is taken and validated. Any necessary billing adjustments will be made on the following billing, after the actual read.
- D) Where water is taken through more than one meter, and, where the arrangement is for the convenience of the customer, then, each meter will be read and billed separately. Where water is taken through more than one meter for the convenience of the utility, then, the meter readings will be aggregated and billed as one reading.
- E) All water passing through meters will be charged for at the applicable rates, whether used, wasted, or lost through leakage.
- F) The utility will not be bound by billings rendered under a mistake of fact as to the quantity of service rendered.

53.043 PAYMENT OF BILLS

- A) Billings rendered to customers for water service will reflect at least the following information.
 - 1) The dates at the beginning and ending of the service period, and the meter

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reading at the end of the period for which the billing is rendered.

- 2) The previous balance, if any.
- 3) The amount of the billing.
- 4) The date on which the billing is due.
- 5) If an estimated billing, a clear coding, or other indication identifying the billing as an estimated bill.
- 6) An explanation, which can be readily understood, of all of the codes or symbols on the billing.

B) Billings will be rendered monthly

If payment of the net amount is not received by Auburn or a bank duly authorized as a collection agent within 17 days after the bill is mailed to the customer, the bill is delinquent. The net amount plus the late payment charge then becomes due. If the bill remains unpaid, a separate disconnect notice will be mailed to the customer 20 days after the due date, requiring payment of the delinquent amount within 14 days of the mailing date. If such payment is not received by the expiration of such 14 day period, service is thereafter subject to disconnection. Partial payments and payments on bills with disconnect notices will not be accepted by banks authorized as collection agents. When the due date falls on Saturday, Sunday or any legal holiday, the first business day thereafter shall be the due date.

~~If a billing is not paid on or before the due date indicated on the billing (approximately 15 days after the bill is mailed to the customer), the customer will be considered delinquent. A period of two consecutive months delinquent will then constitute termination of water service to the customer by the utility.~~

C) Failure to receive a bill shall not entitle the customer to the net bill if he fails to make payment within the said 17 day prompt payment period, nor shall it affect the right of Auburn to discontinue service as provided above.

~~Failure to receive a billing shall not affect the right of the utility to cut-off and discontinue service for nonpayment as provided above.~~

- D) To qualify for the above consideration, the customer must not be entered into and have breached a similar agreement with the utility during the last 12-month period.
- E) At the time of the execution of any agreement, the customer must agree to pay all future billings as they become due for water service. Failure to fulfill the terms of the agreement will make the same null and void and the total unpaid past-due amount, together with any associated service charges related thereto, will become due. Failure to comply with the conditions of the agreement will result in the discontinuance of the service without further notice to the customer.
- F) Disputing the accuracy of any billing shall not be a valid reason for nonpayment of the billing by the customer, or abatement of charges.
- G) The customer may pay a billing under protest, giving written notice that

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redress of the dispute is being sought by the customer. The written notice must be filed with the Utility Office Department of the utility, with payment, prior to the due date of the billing, with no exceptions.

- H) The Board of Public Works and Safety shall review the written protests as received from the customer, for disposition of the request. Utility Office personnel will not be in authority to render disposition of the dispute.
- I) Failure to make payment on or before the billing due date, pending settlement of a disputed billing, shall be considered the same as with any other past-due account, regardless of past payment history of the customer.
- J) All water charges follow the ~~customer rather than the~~ property, **not the customer**. If a customer moved from the premises where water service has been supplied, the customer will be held responsible for the payment of all billings rendered for the service supplied to the premises until proper notice of discontinuance of water service has been given to the office of the utility.
- K) Moving from one location to another location in no way absolves the customer from any unpaid charges incurred at a previous location.
- L) A customer's service may be discontinued for failure to pay any of the unpaid charges due from the customer, regardless of the premises with respect to which the charges were incurred.

53.044 ADJUSTMENT OF BILLING

A) Adjustments due to meter error

If any service meter is found to have a percentage error greater than that allowed by the ~~State Public Service~~ **Indiana Utility Regulatory** Commission, the following procedure for the adjustment of billings will be observed.

1) Fast meters

When a meter is found to have a positive average error (that is, is fast, in excess of 2%) the utility will refund or credit the customer's account with the amount in excess of that determined to be an average charge for one-half of the time elapsed since the previous test of the meter, or six months, whichever period is shorter. This average charge will be calculated on the basis of the units registered on the meter over corresponding periods either prior or subsequent to the period for which the meter is determined to be fast. No part of a minimum service charge will be refunded.

2) Stopped or slow meters

When a meter is stopped or has a negative average error (that is, is slow, in excess of 2%), the utility may charge the customer an amount estimated to be an average charge for one-half of the time elapsed since the previous meter test or six months, whichever period is shorter. This average charge shall be calculated on the basis of the units registered on the meter over the corresponding periods or subsequent to the period for which the meter is determined to be slow or stopped. This action may be taken only in cases where the utility is not at fault for allowing the stopped or slow meter

to remain in service.

B) Errors adjusted

All billing errors, including incorrect tariff applications, will be adjusted to the known date of the error or for a period of one year, whichever is shorter.

53.045 COLLECTIONS; DEFERRED PAYMENT CHARGE

A) Civil action to recover charges

The utility may bring a civil action to recover any delinquent charges together with applicable interest at the statutory rate, the costs and disbursements of the actions, and any other remedies prescribed by law.

B) Deferred payment charge

All billings for water services not paid on or before the due date indicated on the billing shall be subject to a collection or deferred payment charge of 10% on the first \$3 and 3% on the excess over \$3, or as amended by ordinance from time to time, and in effect at the time that the charge is posted to the account.

53.046 WASTE OR EXCESSIVE USE OF WATER

If a customer on a special purpose un-metered rate is found using water in excess of the amount contracted for, or permits leaks on the premises, or wastes water by allowing hydrants or faucets to run more or less continuously, the utility may require the customer to provide a suitable place for the installation of a water meter and thereafter will supply service in accordance with the applicable metered tariff.

OTHER REGULATIONS

53.055 NOTIFICATION OF LOAD INCREASE

The service and meters supplied by the utility have definite capacities. No substantial addition to the water-consuming equipment or appliances connected thereto shall be made except after written notice to a written consent from the utility.

53.056 RESALE OF WATER

The water or service furnished under these rules and regulations is for the use of the customer on the premises. He shall not resell any water or service without the expressed written consent of the utility. Written consent shall be in the form of a clear contract with the utility.

53.057 PRIVATE FIRE PROTECTION SERVICE

- A) The entire private fire protection service on a customer's premises shall be subject to inspection and testing by the utility at the times as it is deemed necessary by the utility or other authority having legal interest in private systems.
- B) Before any modifications are made to any private fire protection system or before service is furnished to any new private fire protection system connected

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to or proposed to be connected to and supplied with water from the utility's distribution mains, the owner of the private fire protection system or the owner's contractor shall provide certification in accordance with 53.024 to the utility, that the system has been disinfected, and final plans of the fire protection system shall be filed with and approved by the City Engineer and the Fire Department. The following shall be shown on the final plans.

- 1) The number of sprinkler heads to be served.
 - 2) The sizes and location of the system's piping.
 - 3) The sizes and locations of all connections to the utility's distribution mains.
 - 4) The sizes and locations of all hose connections, reels, or cabinets.
 - 5) The sizes and locations of storage tanks connected to the fire system.
 - 6) The outlet sizes and locations of all fire hydrants.
 - 7) The sizes, locations, and types of all valves.
- C) All fire protection lines within buildings must be installed in such a manner that all pipes will be easily accessible for inspection at any time. Underground pipes outside of buildings must be placed and be maintained at a minimum depth of 4-1/2 feet.
- D) No connection with a fire protection system will be permitted to supply water for general purposes unless the connection has been approved by the customer's fire underwriter and unless the general purpose water is metered. If such a connection is approved, both the fire protection line and the general purpose line shall be separately valved outside the building to be served and proper cross-connection devices provided, all in accordance with the utility's specifications, thus permitting either line to be turned on or off without affecting the other.
- E) A private fire protection system without a tank shall be equipped with an alarm valve and an approved cross-connection backflow protection device, to be located on the main service pipes supplying fire protection to the property. All valving installed as part of the fire system shall protect the utility's distribution from water hammer damage.
- F) An un-metered private fire service is furnished for the sole purpose of supplying water for the extinguishment of accidental fires, and the use of water from such a service connection for any other purpose is absolutely forbidden.
- G) Hydrants and other fixtures connected to a private fire service connection may be sealed by the utility, and the seal shall be broken only in case of fire or as specifically permitted by the utility. The customer must immediately notify the utility when any seal is then broken for any purpose.
- H) When a service tap on a utility distribution main provides water for both fire and general purposes to a customer or customers, separate charges will be made for each purpose to each customer by the utility in accordance with the established rules and schedule of rates.
- I) A private fire service, at the option of the customer and after approval by the

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customer's fire underwriter, may be connected to the metered water service.

The monthly charges for combined fire and general purpose uses will be as set out in the established scheduled rates. Any additional investment costs incurred by the utility in such metering must be paid by the customer. Maintenance of the meter will be at the water utility's expense.

- J) Whenever a private fire system is to be tested under the regulations of the fire service underwriters, the customer shall notify the utility of the proposed testing, naming the day and the hour of the testing, so that the water utility may have a representative present.

53.058 UTILITY NOT LIABLE FOR CERTAIN CONDITIONS

The utility shall not be responsible in damages for any failure to supply water service, for interruption of the supply of water, for defective piping on the customer's premises, or for damages resulting to a customer or to third persons from the use of water or the presence of the utility's devices on the customer's premises, unless due to fault, neglect, or culpability on the part of the utility. Neither party shall be liable to the other for any failure or delay in case the failure or delay is caused by strikes, the acts of nature, unavoidable accidents or contingencies beyond its control, and is not due to fault, neglect, or culpability on its part.

53.059 PERMANENT DISCONNECTIONS

In order to reduce the potential of leakage from the utility's distribution system, when water service is no longer needed at a given property, the owner of the property shall, at the owner's expense, disconnect the service line from the utility's distribution main or shall employ the utility to make this disconnection, for which the owner shall pay the utility a reasonable fee.

53.060 WATER MAIN EXTENSIONS

The water utility requires persons, firms, or corporations to pay for the costs of the extensions required to adequately serve water for domestic, commercial, or fire protection. This policy intends to place the costs of installation of local water mains upon the owners of the properties benefited.

ENFORCEMENT

53.070 ENFORCEMENT OF RULES AND REGULATIONS

The remedies provided to the utility in these rules and regulations shall not be exclusive and shall be in addition to any other remedies which the utility has at law or in equity.

WELLS AND PUMPS

53.080 ADOPTION OF MINIMUM STANDARDS

The city does adopt and place into effect, the minimum standards and requirements of Bulletin No. PWS2 (1983) Standards for Construction of Private Water Wells and Water Systems, Bulletin No. PWS5 (1984) Standards for Construction of Geothermal Heat Pump Systems, and Bulletin No. S.E.13 (1983) Planning Guide for Private Water

Supply and Sewage Disposal for Small Public - Commercial and Place of Employment Buildings as those of the city and provisions thereof pertaining or adaptable to the subject matter and intents of this subchapter are expressly incorporated herein by reference as fully as if set out at length herein.

53.081 PERMITS AND INSPECTIONS

A) Permit for well

1) Normal situations

Before commencement of construction of a well, the well driller shall obtain a written permit signed by the City Building Commissioner, and the permit shall be posted in a conspicuous place on the owner's premises prior to the commencement of work thereunder. No person shall perform any work on the well project until the permit is obtained and posted on the premises. The application for the permit shall be made on a form provided by the city and the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the city. A permit and inspection fee of \$35 shall be paid to the city at the time the application is filed. The permit shall be void if the installation is not then completed within a one-year period.

2) Emergency situations

In emergency situations, the well driller may drill the well prior to obtaining his permit; however, the water shall not be used for human consumption until the application for the permit has been filed, the permit secured, and the well inspected and approved along with proof of laboratory bacterial acceptability. In emergency situations, the applicant for the well permit shall notify the city by telephone of the pending well installation prior to such well installation. The well permit shall be obtained within 24 hours of the regular scheduled workday after the start of the emergency installation.

B) Permit for pump

1) Normal situations

a) Permit required

Before the installation of any pump or facilities to convey water from a well, including pitless adaptors, well seal, well houses, or connecting piping as any part of construction of a private water supply built under the provisions of this subchapter, the pump installer shall obtain a written permit signed by the Building Commissioner, and the permit shall be posted in a conspicuous place on the owner's premises prior to the commencement of work thereunder. No person shall perform any work on the project until the permit is so obtained and posted on the premises.

b) Application

The application for the permit shall be made on a form as provided by the city, and shall supplement by any plans, specifications, and other information as are deemed necessary by the city. A permit and

inspection fee of \$35 shall be paid to the city at the time the application is filed. The permit shall be void if the installation is not then completed within a one-year period. These same requirements shall apply to the repair of a well, pump, or accessory lines thereto when it is deemed necessary to uncover the buried upper terminal of the well.

2) Emergency situations

In emergency situations, the pump installer may then install a pump prior to obtaining a pump permit, but the city shall be notified by telephone, by the pump installer, of the pending pump installation. In emergency installations, the application for the permit shall explain the emergency and the reason why the pump was installed, prior to obtaining a permit. The pump permit should be obtained within 24 hours of the regular scheduled business day of the city offices for the start of the emergency installations.

C) Inspections

The city, by its lawfully authorized representative, shall be allowed to inspect the well installation at any stage of construction. In any event, the applicant for the permit shall notify the city when the work is completed or of the intent to abandon the well, all in compliance with this subchapter. The inspection shall be made within 48 hours of the receipt of notice by the city's representative. Days not considered regular business days of the city are not considered part of the 48 hours.

D) Final inspection

The city, by its lawfully authorized representative, shall be allowed to inspect the well installation at any stage of construction, and in any event, the applicant for the permit shall notify the city when the work will be ready for final inspection at least four working hours before any of the underground portions are backfilled or covered. The scheduled work hours shall be the business hour day of the city offices.

53.082 PUMP INSTALLATION

A) Hand pumps

All hand pumps, stands, or similar of any such devices, shall be installed so that no unprotected opening connecting with the interior of the pump exists. The pump spout shall be closed to the outlet and directed downward. The top of the casing shall extend at least one inch into the pump base.

B) Power-driven pumps

All power-driven pumps located over wells shall be mounted on the well casing with an approved pump foundation pump stand, so as to provide an effective well seal at the top of the well. In most cases, extension of the casing into the pump base of at least one inch shall be considered an effective seal, provided the pump is mounted on a base plate and foundation in such manner to exclude dust and insects, and the top of the well casing is at an elevation at least two feet above any known flood water level. Where the pump unit is not to be located over the well and the pump delivery or suction pipe emerges

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from the top thereof, a watertight expanding gasket or equivalent well seal shall be so provided between the well casing and piping. A similar watertight seal shall be provided at the terminal of a conduit containing a cable for a submersible pump. All submersible pumps should have one check valve located on the discharge line above the pump and inside the casing. If the discharge pipe is at least 12 inches above the ground level and slopes to drain into the well, the check valve may be located in the building.

C) Pump-bearing lubrication

Bearings of power pumps shall be lubricated with water of a bacterial quality equal to that of the water being pumped.

1) Water-lubricated pumps

If a pump delivering potable water is provided with a water lubrication tank, the tank shall be so designed and installed as to prevent contamination of the water therein.

2) Oil-lubricated pumps

The use of oil-lubricated pumps is expressly prohibited for the pumping of potable water, or in service that might affect any other existing wells.

D) Pump houses

Unless the power-driven pump installation is of weather-proof and frost-proof construction as determined by the applicable rules and regulations set forth in National Codes, and the like, a structure housing the pump shall be constructed permitting access to the pump for maintenance and repair work. The pump house shall be constructed of impervious material and shall slope away in all directions from the well or the suction pipe.

E) Protection against freezing

Pump water pipe lines and other wet parts of water systems shall be protected against possible freezing conditions therein.

F) Well venting

All well vent openings shall be piped water-tight to a point not less than 24 inches above any known flood water level, and, in any event, to the top of the well casing. The vent opening and the piping shall be of sufficient size as to prevent any hard frost and in no case less than 1/4-inch in diameter. The terminal of vent pipes shall be shielded and screened to prevent the entrance of foreign matter, and shall be turned downward. If toxic or flammable gases are vented from the well, the vent shall extend to the outside atmosphere at a point where the gases will not produce a hazard. Any openings in pump bases shall be sealed watertight.

G) Sampling faucets

In all pressure water systems, provisions shall be made for collection of water samples by the installation of a faucet on the discharge side of and as close as possible to, the pump. The sampling faucet shall have a smooth turned-down nozzle. A hose bib shall not be used.

H) Suction or non-pressure lines

- 1) All buried suction pipe, or non-pressure pipe lines, shall be enclosed in a pipe conduit having a minimum wall thickness as equivalent to casing of same sizes, and shall be so located from sources of pollution in accordance with the distances as specified in the minimum standards applicable hereunder or as so stipulated under any and all codes deemed applicable to the situation as may exist and be in force by other regulatory agencies, whichever is the more stringent.
- 2) Suction pipes with annular space between pipe and encasement under pressure may be installed within specified distances only. Sewers of cast-iron pipe, with leaded joints, clear water drains, and cisterns shall not be located within 100 feet of a suction line. No suction line shall be beneath a sewer. An exposed pipe or piping shall not be connected to the line without an approved cross-connection control device, and shall be protected against freezing.

I) Materials prohibited

- 1) No material will be used in the well or pump installation that will result in, or might result in the pollution of the delivered water. All metallic and nonmetallic materials used shall have sufficient structural strength and other properties to accomplish the purpose for which they are installed. Flexible or non-rigid plastic pipe shall not be used for suspending submersible pumps, unless having the physical properties to withstand the torque and load to which it is subjected.
- 2) Plastic pipe and solvent shall not be used, unless the products bear the approval of the National Sanitation Foundation (NSF) and unless having the physical properties to withstand the torque and the load to which it is subjected.

J) Location of pumps

Offset pumps, pressure tanks, electrical controls, and components and sampling faucets shall be located where they are readily accessible. They shall not be located in a crawl space unless the crawl space is drained to the ground surface beyond the crawl space either by gravity or by means of a sump pump, and minimum of four feet of clear working space is provided between the floor of the crawl space and the floor underside over the pump's installation area. If located in a crawl space, the pump shall be located within five feet of the point of entry. The access opening should be at the least two feet wide. A check valve shall not be permitted between the well and the inlet side of the pressure tank. Any part or accessory to the water system that requires maintenance routing will not be installed in a crawl space unless that crawl space meets the requirements of the provisions of this subchapter.

K) Pressure tanks

Pressure tanks or approved substitutes used as part of the water system shall be of such size as to prevent excessive wear on the pump due to frequency of start-stop operations.

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- L) Minimum distances from well to source of possible contamination or threat of contamination
- 1) Private water supply wells and pumping equipment shall be installed using the following minimum separation in distance from potential sources of contamination. If the well terminates in creviced or slightly highly porous formations, greater distances should be so maintained.
 - a) Independent clear water drain, rain water downspout outlet, cistern, hydrant drain, or similar unit, building foundation drain connected to independent clear water or subsoil drain, well pit, pump pit, pressure tank pit, pressure tank access pit, subsurface pump rooms or reservoir, ten feet.
 - b) Sanitary or storm sewer-connected foundation drain, or property lines, 200 feet.
 - c) Stream, lake, or pond shoreline, open ditch or waterway, sanitary or storm sewer line constructed of waterworks grade ductile or cast-iron pipe with mechanical or push-on joints, or private residential fuel tanks, 100 feet or more.
 - d) Watertight grease basin, septic tank, wastewater holding tank, privies utilizing solid wall wastewater holding tanks, subsoil drain or building sanitary or storm sewer, sewer pump, floor drain connected to building sanitary or storm sewer, sewer pump, floor drain connected to building sanitary sewer or below-ground swimming pool and related, 200 feet.
 - e) Stable, milk house, feeding pen, livestock run, manure pile, animal barn with concrete floor, glass-lined storage facility, conventional silo, watertight milk-house floor drain, other than cast iron, or watertight sewer conveying manure juices, or a loose-jointed field tile drain, 200 feet.
 - f) Sanitary or connected storm sewers, 200 feet.
 - g) Absorption field, solid liquid manure holding tank, silage storage pit, cesspool, dry well, or seepage pit or trench, 200 feet.
 - h) Surface or subsurface tanks used to store any of chemicals such as gasoline, benzene, fuel oil, fertilizer, any hazardous substance, 1000 feet or as may be agency-approved by authorities.
 - i) Treated sludge disposal area, wastewater absorption, storage, retention or treatment pond, ridge and furrow waste disposal site, or any spray irrigation waste disposal site, 1500 feet, or as may be agency-approved by authorities.
 - j) Uncovered salt or salt-mixture storage, 1500 feet.

Note

The distance for minimum separation is only a guideline and greater distances may be required. The uncovered storage of salt and salt-mixtures is, in all cases, discouraged.

- 2) If the well is or will be located within 2500 feet of existing, abandoned, or

proposed potential source of groundwater pollution, the Land Pollution Control Division of the State Board of Health should first be consulted concerning a recommended separation from the facility.

- 3) If the distance requirements as set forth in this subchapter cannot be met due to conditions at the well site, consultation should be made with the city for the possible waiver based on special construction or on favorable geological conditions as may qualify by the interpretation of regulatory agencies having further jurisdiction over these matters.

53.083 USE OF WELLS FOR DRAINAGE PURPOSES PROHIBITED

The use of a well for the disposal of sewage or of other material which may pollute the potable groundwater is prohibited.

53.084 DISINFECTION, SAMPLES, AND REPORT

A) Disinfections

- 1) To prevent contamination of the well or aquifer, it is desirable to maintain a chlorine-residual of 200 parts per million (ppm), or an alternative approved by the State Board of Health, in the well hole during the drilling process. This excludes monitoring wells. Under these conditions the well need not be disinfected until the pump is set. Every new, modified, or reconditioned water source, including pumping equipment and gravel used in gravel wall wells, shall be disinfected before being placed in service for general use.

This treatment shall be performed both when the well work is finished and when the pump is installed or when the pump is reinstalled in the well.

- 2) If there is no significant lapse of time between the two operations, only the later disinfection will be so required. The well or other pumping equipment and gravel used in gravel wall well construction shall be disinfected with a solution containing enough of chlorine to leave a residual of 25 parts per million in the well after a period of at least 24 hours.

B) Water samples

After pumping the well to remove all disinfectant, a water sample shall be collected by the well owner or representative, from the well and submitted for laboratory analysis to the State Board of Health or a certified private laboratory to determine potability of the sampled water, prior to the well being placed in service and the proof of acceptance provided to the city.

C) Well records

The well driller shall supply to the city an accurate record of the construction details of the well, including a log of the soil formation and deeper materials in which the well hole is drilled, results of pumping tests, and other information that may be requested, within 30 days after drilling the well. The driller shall furnish the owner a duplicate copy of this information as well as provide copies of the well record to the Division of Water of the State Department of Natural Resources as required by the state statutes.

53.085 BASIC WELL CONSTRUCTION MATERIALS GUIDELINES

- A) The casing of the well shall be steel or thermoplastic material and shall be of sufficient thickness and quality to protect the well against structural deficiencies during construction, and against contamination by surface water or other undesirable materials during the expected life of the well. Only recessed couplings may be used on threaded steel pipe or casing. Ferrous casings shall be a new first-class material meeting ASTM Standards as A-120 or A-53, or API Standards API-5A or API-51. No thin-walled, sheet metal, used, reclaimed, rejected, or contaminated pipe or casing shall be for use in a water well.
- B) New pipe or casing, when salvaged from water well test holes only, shall not be considered as used or contaminated, normally.
- C) Where corrosive water or soil is likely to be then encountered, thicker walls in pipe or casing than those which appear in the tables of acceptable and recommended materials, should be used.

53.086 WELL ABANDONMENT

A) Temporary abandonment

A temporarily abandoned well which may be equipped and used at some future time shall be temporarily sealed at the surface by a welded or threaded cap, or in the case of a dug well, in a manner satisfactory to the State Board of Health Standards.

B) Permanent abandonment To limit ground **water** contamination, the 1988 **Indiana water well** drilling and pump installation statute, **Indiana Code 25-39**, requires abandoned **wells** to be sealed at the surface or plugged with impervious materials.

A well that is to be abandoned permanently shall be filled with a cement-type grout containing no less than 6% Bentonite, mixed into the grout or a thick Bentonite grout (1-1/2 lbs. of #8 mesh Bentonite mixed with one gallon of water) placed from the base of the boring upward by pump or other acceptable procedure. (Refer to PWS 2., section 5.1 Abandonment Criteria.)

C) Other conditions

Dewatering, temporary service, construction water, process, wells, or other structures for withdrawing groundwater or the lowering or raising of the water tables, regardless of location, length of intended service, or original use or intent, shall be constructed to the identical procedures as prescribed herein for permanent abandonment.

53.087 GEOTHERMAL HEAT PUMP SYSTEM STANDARDS

A) Purpose

Potable groundwater is one of man's most precious natural resources. The improper well drilling and geothermal heat pump system installation procedures and installations may pollute the available supply of groundwater

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in and around the city. To guide drillers and owners in the construction of geothermal heat pump systems, the city establishes the following standards to protect its groundwater from contamination by less than recognized installation methods.

B) Availability of groundwater

The availability of groundwater is an initial consideration in determining whether an open-loop or closed-loop system shall be used. In areas where the available groundwater is limited or where there is a high density of wells existing, special consideration and construction techniques may be required for an open-looped system. The Division of Water, State Department of Natural Resources can provide general information on groundwater availability in and around the city, DeKalb County, Indiana areas.

C) Open-loop systems

1) Supply wells

a) Wells used to supply open-loop groundwater heat pump systems shall comply with the standards in the State Board of Health PWS 2 Bulletin, as Standards for Construction of Private Water Wells and Water Systems, sections 2 and 3. Compliance shall not be construed as ensuring that adequate water is available for this purpose. The availability of groundwater may only be determined by a qualified well driller certified by the National Well Association and licensed by the State Department of Natural Resources or a geologist certified by the State Department of Natural Resources.

b) If the total from all sources of supply has the capability of withdrawing more than 100,000 gallons of water per day, the water withdrawal facility must be registered with the State Department of Natural Resources pursuant to IC 14-25-7, and the city. Forms are available upon request.

2) Discharge

Prior approval must be obtained from the proper officials before wastewater from an open-loop heat pump system may be disposed of into storm water drain, stream, or any other method of wastewater discharge. The discharge shall not cause a public health hazard or nuisance.

D) Vertical closed-loop systems

1) Criteria

a) Improperly installed vertical geothermal loops may, as in any other boring, constitute a hazard to public health, safety, welfare, and to the preservation of the groundwater resource. The proper sealing of the boring is an important consideration in preserving the quality of the water present in the geologic formations encountered. The hydrologic conditions of any given area must be evaluated before the intended system is constructed. Properly sealed vertical loop geothermal borings should accomplish the following.

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- 1) Prevention of groundwater contamination.
 - 2) Conservation of well yield and maintenance of hydrostatic head of aquifers encountered.
 - 3) Prevention of the intermingling of desirable and undesirable waters.
- b) The basic consideration governing the proper installation of the vertical geothermal loops is in the preservation of the geohydrologic conditions that existed before the boring was in fact drilled. Improperly installed, the loop might be an uncontrolled point for contamination of the water located. The vertical bore should be completely filled in a manner that vertical movement of water in the well bore is confined permanently to the specific zone of penetration, as heretofore presented.
 - c) To seal a vertical boring, the original bore hole will be sealed with impermeable materials in a manner as to prevent the percolation of surface waters downward through the boring, or along the outside of the loop leading to the water table. If groundwater is encountered under confined or artesian conditions, the sealing must confine the water to the aquifer in the zone it occurred, thereby preventing loss of artesian pressure in the aquifer and preventing the upward circulation of water to the surface; or into formations containing no water; or to formations containing water under a lower head than that in the aquifer which is to be sealed.
 - d) The entire heat exchange system shall be constructed of high density, high molecular polyethylene pipe. All joints must be thermally fused.
 - e) Each drilling contractor is required to keep and maintain accurate records for each closed loop installed. The record must contain at least the following information.
 - 1) The location of the boring with reference to at least two permanent landmarks (such as buildings and the like).
 - 2) The depth and diameter of the boring.
 - 3) The character and thickness of materials or formation drilled.
 - 4) Description of piping materials used.
 - 5) Installation and bore hole sealing techniques used.
 - f) These records shall be submitted to the city, and to the State Department of Natural Resources on a form provided by the department offices.
 - g) There shall be at least 50 feet of separation between vertical closed-loop excavations and a water supply well. Exceptions may be made if it can be demonstrated that it will have no adverse effect on public health. In addition, all borings shall satisfy the separation distances from points of contamination by local and state statutes, as referenced in 53.082. All borings shall be made by a well driller licensed by the State Department of Natural Resources and by the National Water Well

Association.

2) Installation procedures

All borings shall be filled with cement grout containing no less than 6% Bentonite mixed into the grout, or a thick Bentonite grout (1-1/2 lbs., #8 mesh Bentonite mixed with one gallon of water) placed from the base of the boring upward by pump or other acceptable method procedures. Drilling fluid can be used if it is brought up to the required slurry viscosity and strength. It is advised that the end loop terminate approximately 2.5 feet above the base of the boring to ensure adequate separation between the end of the loop and base of the boring. To ensure adequate lateral protection between the loop pipes and surrounding material, the bore diameter should be a minimum of two inches larger than the combined diameter of the loop pipes. Sand, gravel, slag, and crushed limestone shall not be used in filling a hole.

E) Horizontal closed-loop systems

Horizontal closed-loop systems shall not be installed under sewage system or absorption field trenches, and must also satisfy the minimum well distances from any sources of contamination as set forth in 53.082.

F) General closed-loop considerations

- 1) The earth in the vicinity of the bore holes should be graded to cause runoff water to drain away to prevent pooling in the immediate surrounding area of the bore holes.
- 2) The antifreeze solution used in the closed-loop system shall be a nontoxic chemical which will not, in any way, contaminate the potable water of the prevailing aquifer if the loop pipe has a leak. A tag, identifying the type of chemical and the concentration in which the system is filled, shall be attached to the system in a conspicuous place. A sampling faucet shall be installed as set forth in 53.082.
- 3) Antifreeze solutions or additives within the closed-loop must be limited to the following.
 - a) Pure glycerine solution, provided the glycerine is of 96.5% U.S.
 - b) Food grade propylene glycol.
 - c) Depotassium phosphate.
- 4) A location sketch referencing the geothermal system to the proper boundary or other enduring landmark, should be provided to the property owner.
- 5) Under no circumstances shall a connection be made between the potable water and the closed-loop system.

53.088 POWERS FOR INSPECTION AND ENFORCEMENT

- A) The city, by its duly authorized representative, or, the City Building Commissioner, bearing proper identification, shall be permitted to enter upon

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all properties at a proper time, for the purpose of inspection, or monitoring necessary to carry out the provisions of this subchapter and any amendments that may be in effect at the time of the inspections.

- B) Whenever the inspection determines that there are reasonable grounds to believe that there has been a violation of any provision of this subchapter, the city shall give notice of the violation, as identified, to the person responsible therefore, and to any known agent of the person, as is hereinafter provided. The notice shall:
- 1) Be issued in writing.
 - 2) Include a statement of reasons why it is being issued.
 - 3) Allow reasonable time for the performance of any act it requires.
 - 4) Be served upon the owner or his agent, or the occupant, as the case may require, provided that the notice shall be deemed to be properly served upon the owner or agent, or upon the occupant, if a copy thereof is sent by certified mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is now served by any other method authorized or required under the laws of this state, and
 - 5) The notice must contain an outline of remedial action, which if taken, will effect compliance with the provisions of this subchapter.
- C) Any person affected by any notice issued by the city may request, and shall be granted a hearing on the matter, provided that the person shall file in the office of the City Clerk-Treasurer's Office within ten days after service of the notice, a written petition requesting the hearing and setting forth a brief statement of the grounds therefore. Upon receipt of the petition, the Board of Public Works and Safety shall arrange a time and place for the hearing and shall give the petitioner written notice thereof. The hearing shall be held as soon as practicable after the receipt of request therefore. At the hearing, the petitioner shall be given an opportunity to be heard and to show cause why compliance with this subchapter should not be met.
- D) After the hearing, the Board of Public Works and Safety shall sustain, modify, or withdraw the notice, depending upon the findings as to whether compliance with the provisions of this subchapter have been met. If modified or if sustained, it shall be deemed to be an order as such. Any notice pursuant to 53.087(C) shall automatically become an order if a written petition for a hearing is not filed within the ten days after the notice is served. After a hearing in the case of any notice suspending any permit required by this subchapter, when the notice has been sustained, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Clerk-Treasurer's Office within ten days after the notice is served.
- E) Whenever the city, or any other agency having lawful jurisdiction over such matters, finds that an emergency exists which may require immediate action to

protect the public health, either agency may, without notice or hearing, issue an order then reciting the existence of such an emergency and requiring that the action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this subchapter, such order shall be as effective immediately, but upon petition to the city, any request shall be afforded a hearing as soon as possible in the manner provided herein. After the hearing, depending upon the finding as to whether the provisions of this subchapter have been caused to comply with, they may continue in effect, or, be so modified, or may be revoked.

53.089 ENFORCEMENT INTERPRETATION

- A) The city may initiate any procedures needed for the proper enforcement and to carry out the purpose and intent of this subchapter.
- B) Any person, firm, or corporation found to be in violation of 53.087(B) or (C) shall abandon and seal the well unless all materials from the well are pulled and proved to meet all the requirements of this subchapter, only at that time would a permit be issued for the purpose of reinstalling said materials.
- C) In the event that special conditions seem to make construction under these standards impossible or impractical, the city should be so consulted for a possible waiver of these requirements.

53.090 CERTIFICATION

All well drillers operating in the city are to be certified by the National Water Well Association and the appropriate state agencies. Those well drillers not certified at the time of enactment of this subchapter will have a time period of two years from the date of the enactment of this subchapter to obtain necessary well drilling certification.

53.091 LIABILITY OF VIOLATOR

Any person, firm, or corporation violating any of the provisions of this subchapter shall become liable for any expense, loss, or damage occasioned by reason of the violation.

53.092 EFFECTIVE DATE

This subchapter shall be effective **September XX, 2018**

CONSERVATION; RATIONING

53.100 APPLICATION

This subchapter shall apply to all persons, firms, partnerships, associations, corporations, companies, or organizations of any kind connected to the city public water system or using water therefrom (hereafter referred to as users).

53.101 DECLARATION OF NEED

Upon determining that the city public water system is in imminent danger of a shortage of water or is experiencing a shortage of water, the governing body shall declare a

water conservation emergency and establish the appropriate conservation measures and the duration thereof.

53.102 VOLUNTARY CONSERVATION

In accordance with 53.106, users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The governing body shall suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.

53.103 MANDATORY CONSERVATION

In accordance with 53.106, users shall be prohibited from the water uses listed below, subject to reasonable terms, times, and conditions as the governing body shall determine.

- A) Sprinkling, watering, or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation.
- B) Washing of automobiles, trucks, trailers, mobile homes, railroad cars, or any other type of mobile equipment.
- C) Cleaning or spraying of sidewalks, driveways, paved areas, or other outdoor surfaces.
- D) Washing and cleaning of any business equipment or machinery.
- E) The filling of swimming pools, wading pools, and ornamental fountains.
- F) Knowingly allowing leakage through defective plumbing.

53.104 RATIONING

In addition to the mandatory conservation measures identified in 53.103 and in accordance with 53.106, users shall be limited to water use per the following schedule.

- A) Residential use shall be limited to 75 gallons per person per household per day.
- B) Business, commercial, and industrial users shall be limited to 70% of the volume of water used during the corresponding month of the preceding year. Business, commercial, or industrial users that were not in business and operating in the area served by the city public water system more than one year prior to the declaration of need shall be restricted to 70% of the average monthly volume of water used during the number of months such business, commercial, or industrial user was in business and operating in the public water system area.

53.105 EXCEPTIONS

The Common Council reserves the right to establish alternative rationing requirements for the following:

- A) Health care providers;

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- B) A reasonable use of water to maintain adequate health and sanitary standards; and
- C) Those industrial and agricultural activities declared to be necessary for the public health and well-being.

53.106 NOTICE

- A) Notice of voluntary conservation measures shall be by publication in a local newspaper of general circulation or other means as deemed appropriate by the governing body. This notice shall be effective upon publication.
- B) Notice of mandatory conservation or rationing shall be by first class U.S. mail, or by other door-to-door distribution to each current user, and by electronic and print media. This notice shall be deemed effective at the conclusion of door-to-door distribution, or at noon of the third day after depositing same in the U.S. mail.

EXTENSION OF SERVICE BEYOND CORPORATION LIMITS

53.110 AUTHORITY

- A) The Superintendent of the Water Department shall have the authority to act on behalf of the Board of Public Works and Safety to contract for the extension of water services beyond the city's corporation limits subject to the conditions enumerated in subsequent sections of this subchapter.
- B) The Board of Public Works and Safety may require the Water Department Superintendent to seek approval from the Board for any or all contracts.

53.111 STANDARDS FOR EXTENSION

- A) The city requires certain facilities and accessories to be furnished when requesting water service to any location not presently served by the city. The following rules shall apply in the approval process for water service from any point along the Auburn water distribution network:
- B) All materials, equipment, fixtures and related items, along with required installation methods, shall be in conformance with standards of the state and within standards set by the city, whichever is more stringent.

53.112 WATER MAIN DESIGN

A) Pressure

All water mains, including those not designed for providing fire protection, shall be sized after a hydraulic analysis based on flow and pressure demand requirements. The system shall be designed to maintain a minimum pressure of 30 psi at ground level at all points in the new distribution system under all conditions of flows. Normal working pressure shall be approximately 60 psi, static to the city system.

B) Diameter

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Minimum size water main **allowed for system design shall be Eight** inch diameter. For providing fire protection and for serving fire hydrants, **minimum size water main and connection** shall be Six-Inch diameter. **Installation of six-inch water mains are allowed ONLY for a maximum distance of 300', and only in residential dead- ends.** Larger size mains will be required if necessary to allow for the withdrawal of the required fire flow while maintaining the minimum residual pressure specified herein

C) Fire protection

When fire protection is to be provided, system design shall be such that fire flows and any facilities are in accordance with requirements of the State Insurance Services Office (ISO) and with the Auburn Fire Department specifications.

~~D) Small diameter mains~~

~~Installation of mains smaller than minimum requirements will be permitted only in special purposes and only after a study provides evidence from a hydraulic study and future use documented.~~

D) E) Fire hydrants

Water mains not designed to carry required fire flows shall not have fire hydrants connected to them.

E)F) Dead-end water mains

Dead-end water mains shall be minimized by looping of all mains except where extensions are designed for the future and as approved by the Auburn Water Department.

F G) Flushing devices

Approved dead-end water mains shall be provided with a fire hydrant if flow and pressure are sufficient, or with an approved flushing hydrant or blow-off that will give a velocity of at least 2.5 feet-per-second in the water main being flushed. There shall not be any flush valve connected between the water main and a sewer.

53.113 VALVES

Valves shall be provided by design of the water main network that are located not more than 500 feet intervals and as approved by the Auburn Water Department.

53.114 FIRE HYDRANTS

- A) Fire hydrants shall be provided at each street intersection and at intermediate points along the water mains running between intersections spaced 500 feet apart and not more than 500 feet from the furthest point of any structure in any single family residential district, not more than 300 feet apart and not more than 500 feet from the furthest point of any structure in any multi-family, commercial or industrial district or adjacent to any hospital, nursing home, mental health institution, health maintenance organization, asylum,

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educational institution, private school or place of worship, and shall be of a design approved by the Auburn Plan Commission and the City of Auburn Fire Department. This requirement applies to new or extensions of public or private systems attached to a public system.

- B) Hydrants and appurtenances shall be in conformance with Auburn Water Department specifications for valves, connections, size and type.

53.115 DESIGN CRITERIA

A summary of complete design criteria shall be submitted for the proposed project including, but not limited to estimated average and maximum day water demands for development; number of proposed water services; fire fighting requirements; future extensions of total development, as applicable; and engineering study with data.

53.116 ADVISORY OPINIONS

- A) Any requests for water service extensions shall be reviewed by the committee whose member shall issue a written advisory opinion as to the feasibility of the requested extension along with the estimated cost for the extension to the city.
- B) There shall be a plan prepared by the Water Superintendent for the recapture of all costs associated with the extension.

53.117 INFORMATION REQUIRED

The requesting party shall provide the number of services required and future expansion plans; fire protection is planned, now or in the future; topography of the area to be served, in general; brief statement on projected completion dates, by phase; and brief statement on formula for recovery of funds by tap-on fees.

53.118 REPORTS

The Water Superintendent shall issue a comprehensive report to the Board of Public Works and Safety before the commencement of any extensions detailing the necessity for the extensions, the costs involved, the plan for recapture of costs, the method of funding the extension and including a drawing depicting the extension.

53.119 ANNEXATION

The requestor of water services shall be required to sign an agreement waiving any remonstrance of future annexation of the property served by the water extension. Said agreement shall become a part and condition of any conveyance of real property which is the subject of the water extension.

53.999 PENALTY

- A) Any person who shall violate a provision of this chapter for which a penalty is not specifically provided shall, upon conviction, be subject to such penalties as are contained in 10.99.
- B) Any person who violates any provision of 53.080 through 53.092 shall be subject to the penalties as herein provided.

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- 1) Any person, firm, or corporation who shall violate any provision of 53.080 through 53.086, or 53.088 through 53.092 shall be served with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof, and shall be subject to the penalties as set forth in division (2) below.
- 2) Any person, firm, or corporation who shall violate any provision of 53.080 through 53.092 shall be subject to penalty as hereinafter prescribed in this division. On finding a violation of provisions of 53.080 through 53.092, the violator shall be fined, for the first offense, \$200; for the second offense, a fine of not more than \$500; for the third and any subsequent offense, a fine of not more than \$1,000. Each day after the expiration of the time limit for abating and completing improvements as so ordered, shall constitute a distinct and separate offense, to be assessed separately.
- C) Any person, firm, or corporation who violates 53.103 and 53.104 shall be subject to a fine of not more than \$25. Each day of violation shall constitute a separate offense. In addition, or as an alternative to a fine, water service may be terminated for any user who violates 53.103 and 53.104.