

ORDINANCE NO. 2025-09-09-01

**AN ORDINANCE ESTABLISHING WATER SERVICE REGULATIONS FOR THE
TOWN OF POSEYVILLE, INDIANA**

WHEREAS, the Town of Poseyville, Indiana (hereinafter referred to as “the Utility”) seeks to establish comprehensive regulations for the provision of water service to residents and commercial entities within its jurisdiction; and

WHEREAS, it is necessary to outline the rights, responsibilities, and obligations of water users and the Utility to ensure the effective management, operation, and maintenance of the Town’s water system;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF POSEYVILLE, INDIANA, AS FOLLOWS:

SECTION 1: DEFINITIONS

- A. “User” means any person, firm, corporation, or entity who receives water service from the Town, whether as a property owner, tenant, or other occupant.
- B. “Residential User” means any individual, household, or property primarily used as a place of human habitation. This includes single-family homes, duplexes, mobile homes, and individual units within multi-family dwellings (such as apartments or condominiums) where water service is supplied for domestic purposes such as drinking, cooking, bathing, washing, and other typical household uses.
- C. “Cross Connection” means any actual or potential connection between the potable water system and any source of contamination or pollution.
- D. “Customer Valve” means a valve installed on the User’s side of the meter to allow the User to turn the water supply on or off without affecting other customers or requiring access to the Utility’s valve
- E. “Governing Body” means a group of elected people that have the authority to exercise governance over an organization or political entity.
- F. “Voluntary Utility Shut Off” refers to a temporary disconnection of utility services initiated at the request of the property owner or authorized account holder for reasons not related to delinquency or nonpayment. This typically applies to unoccupied rental properties, seasonal residences, vacation homes, or other situations where the premises will not require utility service for a specified period of time.
- G. “Commercial User” means any property or establishment engaged in the exchange or sale of goods or services, including but not limited to retail stores,

offices, restaurants, hotels, service stations, daycare centers, and other non-residential facilities operating for profit or general business purposes.

- H. "Industrial User" means any entity engaged in manufacturing, processing, fabrication, or other operations that discharge wastewater containing pollutants regulated by federal, state, or local pretreatment standards. Industrial Users may be subject to additional reporting, sampling, pretreatment, and permit requirements based on the type and volume of wastewater discharged.
- I. "Institutional User" means any facility operated by a public or private organization that provides public service or support functions. This includes schools, hospitals, nursing homes, churches, government buildings, and similar establishments. Sewer usage typically includes restroom and kitchen facilities, laundry services, and other activities associated with institutional functions.
- J. "Service Line" means the water line extending from the water meter/service valve to the dwelling or place of use.
- K. "Service Valve" means a valve installed by the Utility to control water flow to the User.
- L. "Meter" means the device installed by the Utility to measure water usage by the User.
- M. "Utility" or "Water Utility" means the Poseyville Municipal Utilities, or its successors, authorized to operate and maintain the Town's water supply system.
- N. "Town" means the Town of Poseyville, Indiana, including its agents, employees, and representatives acting within their authority.
- O. "Tap-In Fee" means the one-time fee charged by the Town to a new User for the privilege of connecting to the municipal water system.

SECTION 2: SERVICE CONNECTION AND INSTALLATION

- A. All new connections must submit a formal request to the Utility that includes the applicant's name, contact information, property address, intended use (residential or commercial), anticipated water needs, site plan (if applicable), and proof of ownership or lease.
- B. All new Users will be supplied with updated Lead/Copper information.
- C. All Users shall install and maintain a service line at their own expense, beginning at the water meter and extending to the point of use.
- D. All Users with a basement meter shall be responsible for piping from or at property line or service valve to the home
- E. The Utility shall install a cutoff valve and water meter at a point adjacent to the property line, as agreed upon by both the User and the Utility.
- F. The Utility retains exclusive rights to access, maintain, repair, and replace the service valve and meter.
- G. The User shall execute an easement allowing the Utility access to install and maintain the meter.

- H. All new connections to install their own accessible customer valve on their side of the meter.
- I. All Users shall have the option to install a separate, non-sewered meter for outdoor water use such as lawn sprinkling, irrigation, or other similar purposes. Water usage recorded by the non-sewered meter shall not be subject to sewer charges. Installation and maintenance of such meters shall be at the User's expense and must comply with all applicable utility requirements and specifications.
- J. All Users must adhere to Installation of Backflow Prevention Assembly Ordinance No. 2016-09-14-03, Section 51.21
- K. All Users must adhere to the Utility & Infrastructure Equipment Tampering Ordinance 2025-02-11-01
- L. The owner of all houses, buildings, or properties situated within the Town corporate limits and abutting on any street, alley, or right-of-way in which there is now located water service is hereby required to be connected to the service.
- M. No underground or surface water source shall provide water to any property located within Town limits other than the water service provided by the Town of Poseyville.

SECTION 3: PRIVATE FIRE PROTECTION SERVICE

- A. The entire private fire protection service on a customer's premises shall be subject to inspection and tests by the Utility at such times as it is deemed necessary.
- 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 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 his contractor or engineer, shall file final plans of such fire protection system with the Utility and receive approval. The following shall be included in the final plans:
 - i. The number of sprinkler heads to be served;
 - ii. The sizes and location of the system's piping;
 - iii. The sizes and locations of all connections to the Utility's distribution mains;
 - iv. The sizes, locations and types of all valves;
 - v. The sizes and locations of all hose connections, reels and/or cabinets;
 - vi. The sizes and locations of storage tanks connected to the fire system; and/or
 - vii. The outlet sizes and locations of all fire hydrants.
- C. New Service. The owner of the private fire protection system, or his contractor or engineer, shall provide certification to the Utility that the system has been disinfected and tested in accordance with ANSI/AWWA C651-99, or latest revision. Results of bacteriological testing carried out per ANSI/AWWA C651-99, or latest revision, shall be reported in writing to the Utility by a laboratory qualified to make such an analysis and acceptable to the Utility.

- D. Existing Service Modification. Modifications to or extensions of existing private fire protection systems may be supplied with water from the existing system without disinfection or testing provided that the change does not require a new tap or a modification of an existing tap. If the system is to be supplied with water from a new tap, or if a change in tap size or location is required, disinfection and testing in accordance with ANSI/AWWA C651-99, or latest revision, shall be required for the private fire service modification or extension. Disinfection and testing of the tap will be required per the applicable sections of these General Rules and Regulations.
- E. All fire protection lines within buildings must be installed in such a manner that all pipes shall be easily accessible for inspection at any time. Underground pipes outside of buildings must be placed and maintained at a minimum depth of four feet (4').
- F. No connection with a fire protection system shall 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 in accordance with the Utility's specifications, thus permitting either line to be turned on or off without affecting the other.
- G. A private fire protection system without a tank shall be equipped with an alarm valve and a double check valve on the incoming line and a single check valve on the Fire Department connection. A system with a tank shall have one alarm valve and a double
- H. Check valve assembly backflow preventative device, the double check valve assembly to be located on the main service pipe(s) supplying fire protection to the property. All check valves shall be of the "no slam" type, in order to reduce the potential of water hammer, resulting in damage to the Utility's water distribution system. A system containing antifreeze shall have a reduced pressure principal backflow preventor.
- I. An unmetered private fire service is furnished for the sole purpose of supplying water for the extinguishment of accidental fires and use of water from such a service connection for any other purpose is absolutely forbidden. Any violation of this provision shall be considered theft of Utility property and services and shall subject the offender to the penalty provided in the town ordinances and to a bill for the estimated quantity of water so used.
- J. Hydrants and other fixtures connected to a private fire service connection may be sealed by the Utility and such 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 such seal is broken.
- K. Whenever a private fire system is to be tested under the regulations of the fire service underwriters, the customer shall notify the Utility Department of such proposed test, naming the day and the hour when same is to be made so that, if it desires, the Utility may have a representative present for the test.

SECTION 4: BULK WATER SALES

- A. The Utility currently does not offer Bulk Water sales.
- B. Connection to Hydrants is PROHIBITED- see Ordinance 2025-02-11-01 Utility & Infrastructure Equipment Tampering

SECTION 5: WATER USAGE STANDARD BILLING, PAYMENT, RECONNECTION, AND PENALTIES

- A. The User agrees to pay for utilities at such rates, times, and locations as determined by the Town
- B. Any payment not received by the due date at 4:00 pm shall be considered delinquent.
- C. That all customers of the utility services owned and operated by the Town of Poseyville shall be sent statements indicating the account is due and payable in full on a specific date of each month. If the date falls on a non-business day, a drop box is provided for customer use as well as online credit card payments. Payments shall be received in full by 4:00 p.m. on the due date or otherwise considered delinquent.
- D. Bills unpaid by 4:00 p.m. on the due date as stated above shall be subject to a collection charge of ten percent (10%) on the first \$3.00 of each unpaid charge, and three percent (3%) on the balance of each unpaid charge in excess of \$3.00 for water and gas charges. Sewage charges will be penalized at 10 percent (10%).
- E. A disconnect notice will be sent after the due date of the month stating that the total balance is due, including penalties, within (10) regular days from the date the delinquent notice is sent, or service will be disconnected.
- F. Payment arrangements will be accepted. It is the responsibility of the User to call the office to set up the payment arrangement. Failure to pay the full agreed-upon balance on the scheduled payment date will result in a broken payment arrangement, and no future payment arrangements will be allowed.
- G. If any bill shall remain delinquent for thirty (30) days or more, utility service shall be disconnected and shall not be reconnected except upon payment of all charges, together with a reconnection charge of \$75.00 per utility (non-payment disconnect); provided, however, that in case of a change in occupancy of any leased premises, the new leasee shall not be charged with the delinquencies of the prior occupant, but the utilities shall only be reconnected upon the payment of the reconnection charge and/or deposits.
- H. A lien may be placed upon a property or per person using the TRECS system to collect an unpaid balance after 45 days.

- I. The governing body reserves the right to work with delinquent customers on a case-by-case basis.
- J. Users who own the property being serviced shall not be required to pay a deposit before commencement of service if the owner(s) provide ownership paperwork, such as, a warranty deed or settlement statement and sign a statement or consent, authorizing the governing body to place a lien against the property serviced by utilities in the event of any delinquent accounts.
- K. All new users must provide a form of ID and contact information upon starting a new account
- L. Users who do not own the property to which the utilities are provided (including mobile home owners who rent the lot the home is on), shall be required to pay a One Hundred Fifty Dollar (\$150.00) deposit for water.
- M. In addition to deposits, all New Users will pay a \$15.00 per utility reconnect fee for any service that is currently off. Payment of deposits and reconnection fees must be cash, cashier's check, or money order.
- N. Any User that would like a Voluntary Utility Shut Off will be charged a reconnection fee of \$150.00. This will include any unoccupied rental properties, seasonal residences, vacation homes, or other situations where the premises will not require utility service for a specified period of time.
- O. Requests to test utilities for inspection purposes related to a property purchase shall be subject to a \$75.00 test fee per occurrence, payable prior to the inspection. If the customer or their representative fails to be present at the scheduled inspection time ("no show"), an additional \$75.00 test fee shall be charged for each subsequent visit.
- P. Users who temporarily turn utilities off to fix a leak or do repairs will not be charged this fee, but will be urged to put in a customer valve.
- Q. Customers may pay bills by:
 - a. Mail
 - b. In person at the Utility office
 - c. via authorized drop box
 - d. electronic payment systems via online, over the phone or in the office. The customer will pay any fees associated with credit card/online payments
 - e. by automatic withdrawal (ACH or Autopay)
- R. Partial payments may be accepted at the Utility's discretion, but do not relieve the customer from responsibility for the full balance.
- S. Users disputing charges must notify the Utility as soon as possible. If a user questions meter accuracy, we will replace the meter and test the old meter. If the meter is bad, the Utility will pay for the cost of the new meter. If the meter test concludes the meter is working properly, the customer will pay for the new meter and the testing of the old meter.

- T. Pending resolution, disputed charges must still be paid to avoid disconnection.
- U. The Utility is authorized to assess a service charge of \$30.00 to the account of any customer whose check or ACH payment is returned unpaid by their financial institution. Payment to resolve a returned item must be made by cash, cashier's check, money order, or credit card.

SECTION 6: WATER RATES

<u>Meter Size</u>	<u>Minimum Charge Per Month</u>	
	<u>Phase 1</u>	<u>Phase 2</u>
5/8-inch meter	\$40.77	\$41.53
3/4-inch meter	\$40.77	\$41.53
1 inch meter	\$55.63	\$56.67
1 ½- inch meter	\$85.35	\$86.95
2-inch meter	\$308.27	\$314.03
3-inch meter	\$694.65	\$707.64
4-inch meter	\$1,229.65	\$1,252.63

- A. The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

(1.) Metered Rates:

- a. Each metered customer shall pay a monthly minimum charge based upon the quantity of water supplied by the Water Utility as metered in accordance with the following schedule:

Metered Quantity

Rate for the first 2,000 gal. used	\$20.76/1,000-gal
After 2,000 gal. usage charge	\$15.14/1,000-gal

(2.) Minimum Charge:

- a. Each user shall pay a minimum of 2,000 gallons in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates.
- b. Base rate of \$20.76/1,000 gallons for the first 2,000 gallons used
- c. \$15.14/1,000 gallon after the minimum

SECTION 7: WATER TAP-IN & INSTALLATION FEES

- A. All new Users shall be required to pay applicable tap-in connection fees prior to service installation as referenced below and then upon completion pay applicable material and construction cost:

<u>Inch Meter</u>	<u>Area Ratio</u>	<u>One-Time Charge</u>
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5/8 and 3/4	1.0	\$250.00
1	1.5	\$300.00
1 ¼	2.0	\$400.00
1 ½	2.5	\$600.00
2	10.0	\$1,200.00
4	41.0	\$2,400.00
6		\$3,600.00
8		\$4,800.00

SECTION 8: WATER LEAK ADJUSTMENTS

- A. Where due to a sudden increase in water usage and water leak is suspected, the customer and/or landowner should contact the Poseyville Municipal Utility Office as soon as possible.
- B. The resident(s) are responsible to repair water leaks located upon the resident's property downstream of service valve.
- C. If the water leak is underground only, the Utility shall not charge or bill the actual water usage according to the meter reading, but rather shall average the customer's bill using the immediate past three (3) month average, with the sewage being adjusted accordingly, provided that the customer furnishes a copy of the bill showing charges or the repair of the leak or signs a statement stating that the leak was repaired. If the suspected leak is not repaired within thirty (30) days of notification, the Utility shall bill or charge according to the actual meter reading.
- D. Each utility account is eligible for a one-time credit for an underground water leak during the lifetime of the account. This credit applies per property account holder and does not transfer if ownership or account responsibility changes.
- E. Commodes, water softeners, or other in-house leak(s) will not be considered eligible for leak adjustments. The customer will be responsible for the payment of the full balance.

SECTION 9: WATER SHORTAGE AND ALLOCATION

- A. In the event of a water shortage, the Utility may allocate water based on reasonable and fair criteria, with priority given to domestic use over non-essential uses such as lawns and gardens.
- B. The Utility shall have the authority to enforce restrictions on water use during emergencies or periods of limited supply
 - a. Application: This shall apply to all persons, firms, partnerships, company, associations, corporations, or organizations, of any kind connected to the Poseyville public water system or using water therefrom (hereafter, users).

- b. Declaration of Need: Upon determining that the Utility 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.
- c. Exceptions: The governing body of the Town of Poseyville reserves the right to establish alternative rationing requirements for the following:
 - i. Health care providers
 - ii. A reasonable use of water to maintain adequate health and sanitary standards
 - iii. Those industrial and agricultural activities declared to be necessary for the public health and well-being.
- d. Voluntary Conservation: In accordance with notice guidelines below, users shall be requested to reduce water consumption by practicing voluntary conservation techniques. The governing body suggest reasonable and meaningful actions which will alleviate existing or potential water shortage.
- e. Mandatory Conservation: In accordance with notice guidelines below, users shall be prohibited from the water uses listed below, subject to reasonable terms, times, and conditions as the governing body shall determine.
 - i. Sprinkling, watering or irrigating of shrubbery, trees, grass, ground covers, plants, vines, gardens vegetables or any other vegetation
 - ii. Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment
 - iii. Cleaning or spraying of sidewalks, driveways, paved areas, or other outdoor surfaces
 - iv. Washing and cleaning of any business equipment or machinery
 - v. The filling of swimming pools, wading pools, and ornamental fountains
 - vi. Knowingly allowing leakage through defective plumbing
- f. Rationing: In addition to the mandatory conservation measures and in accordance with the notice guidelines, users shall be limited to water use per the following schedule:
 - i. Residential use shall be limited to 100 gallons per day
 - ii. Business, commercial and industrial users shall be limited to 80% 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 Poseyville

public water system more than one year prior to the declaration of need shall be restricted to 80% 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 supply area.

- g. Notice: 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. Said Notice shall be by publication in a local newspaper of general circulation or other means as deemed appropriate by the governing body. Said Notice shall be effective upon publication. Notice of mandatory conservation or rationing shall be by first class USPS mail or by door-to-door distribution to each current user, and by electronic and print media. Said notice shall be deemed effective at the conclusion of door-to-door distribution, or at noon of the third day after depositing same at the USPS.
- h. Enforcement: Any user who violates the Mandatory Conservation or Rationing section of this ordinance may be punished by a fine of not more than \$2,500.00 {see IC 36-1-3-8 (10)} Each day of violation shall constitute a separate offense. In addition to, or in the alternative to a fine, water service may be terminated for any user who violates the Mandatory Conservation or Rationing section(s) of this ordinance.

SECTION 10: INSPECTIONS AND COMPLIANCE

- A. The Utility reserves the right of inspection to ensure that User complies with all laws, rules, and regulations of the State of Indiana and Town ordinances.
- B. Any and all cross connections are prohibited and illegal. No secondary water sources are allowed to be connected to our Utility.

SECTION 11: EFFECTIVE DATE

This ordinance shall become effective upon adoption by the governing body of the Town of Poseyville and publication as required by law.

SECTION 12: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION 13: REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PASSED ORDAINED AND ESTABLISHED this _____ day of _____, 2025.

TOWN COUNCIL OF POSEYVILLE, INDIANA

Justin Rutledge, President

Michael Baehl, Member

Randall Rankin, Member

ATTEST:

Jodie Rankin, Clerk-Treasurer