

# **CHAPTER 8**

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# **CHAPTER 8**

## **UTILITIES**

### **ARTICLE 1. WATER UTILITIES**

- Sec. 8 – 1 Waterworks System.**

There is established for the use of and the service rendered by the waterworks system of the Town of Hudson the following rates and charges, based on the use of water supplied by said waterworks system.

**Sec. 8 – 2 Metered Rates.**

First 2,000 gallons .....	\$ 27.45 Flat Rate Minimum
Over 2,000 gallons.....	\$ 12.42 per thousand gallons

**Sec. 8 – 3 Minimum Charge.**

a. The minimum water rate for residential users in the Town of Hudson for metered water service is the sum of twenty-seven and 45/100 dollars (\$27.45).

b. *Minimum Charges*

Each user shall pay a minimum charge 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 schedule of rates.

<u>Size of Meter</u>	<u>Minimum Monthly Rate</u>
5/8 – 3/4 inch meter or less .....	\$27.45
1 inch meter .....	\$42.19
1 ¼ inch meter .....	\$61.44
1 ½ inch meter .....	\$80.68
2 inch meter .....	\$126.95
3 inch meter .....	\$234.64
4 inch meter .....	\$388.62
6 inch meter .....	\$773.53

- c. The rates set within the above are based on a single meter and service supplying each customer regardless of use.
- d. For the purpose of billing and collecting the charges for water, the meters shall be read monthly, and the users shall be billed monthly. The billing cycle shall be determined by the clerk-treasurer.
- e. No consumer shall submeter or resell water service to others. Any violation of this provision shall subject all water service to the premises to be disconnected until the violation is corrected to the satisfaction of the town.
- f. The Town of Hudson shall provide no more than one hundred thousand (100,000) gallons of water per month to any single business or industrial user, said provision by Resolution being made in order to insure adequate water supply for the reasonable residential, business and industrial expansion of the Town of Hudson.
- g. Water furnished to temporary users, such as contractors or temporary events, shall be charged on the basis of the above rates as estimated by the Utility Supervisor or metered by the Town.
- h. All rates are subject to sales tax where applicable.

**Sec. 8 – 4 APPLICATIONS AND DEPOSITS:**

- a. Users are required to complete an application and provide photo identification prior to transfer of service. A security deposit in the amount of one month's minimum service charge shall be collected from all prospective customers prior to beginning services. Such security deposits shall not accrue interest payable to the user.
- b. Deposits shall be held by Town for a twenty-four (24) month period or when service is terminated, whichever occurs first. Deposits shall be applied to the user's account.
- c. Should the deposit result in a credit to the account, the Town shall refund the amount to the user within thirty (30) days of their final billing.

**Sec. 8 – 5 PERMIT AND INSPECTION FEES**

- d. The permit and inspection fee (formerly referred to as the “tap fee”) reflects the costs associated with permitting, connecting, and inspecting each Customer to the Town’s system. Where a single Customer shall make multiple connections, an appropriate multiple of the single permit and inspection fee shall be charged.
- e. A single permit and inspection fee for each Customer residing within Town limits and connecting to any portion of the system shall be \$1,500, exclusive of excavation, for the installation of a 5/8- or 3/4-inch residential meter service. All other services shall be installed at the Town’s actual cost, plus \$1,500.
- f. A single permit and inspection fee for each Customer residing outside Town limits and connecting to any portion of the system shall be \$2,500, exclusive of excavation, for the installation of a 5/8- or 3/4-inch residential meter service. All other services shall be installed at the Town’s actual cost, plus \$2,500.
- g. In all cases the owner or his agent shall make an application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent of public works. Extraterritorial applicants shall also be subject to a remonstrance waiver prior to connection of services.
- h. The determination of the appropriate meter size shall be within the sole and exclusive right and authority of the Town of Churubusco, and shall be related to factors including, but not limited to, the volume and nature of water flow. Any efforts to avoid, circumvent, or alter the fee schedule herein, or the intent of this ordinance, through the utilization, installation, or configuration of multiple smaller meters is strictly prohibited.
- i. The Town shall not allow final and permanent connection or connections to the Town’s water facilities of any real estate using water until a permit is obtained and payment has been made to the Town for the appropriate permit and inspection fee.
- j. Any developer of real estate applying for service shall pay the applicable fees by platted sections before the sections are submitted for approval and recording or otherwise enter into an acceptable developer’s agreement which shall provide for the future payment of the permit and inspection fee prior to final and permanent connection.
- k. Permit and inspection fees shall be non-refundable.
- l. Applicants are required to adhere to all rules and regulations of the Town of Hudson or be subject to disconnection done at the applicant’s expense.

**Sec. 8 – 6 LIABILITY FOR PAYMENT**

- m. The user charges imposed under this section shall be billed to the person who is billed for water service, unless by contract with the Town another person assumes liability for payment. If an occupant, leasee, or other non-owner is billed, the current property owner of record of the premises to which water service was supplied is responsible for payment of the bill, irrespective of who incurred such unpaid bills or when such bills were incurred, or who owned or occupied the property at the time the bills were incurred. Such owner shall have the right to examine the Town's collection records to ascertain whether such charges have been paid.

**Sec. 8 – 7 DELINQUENT ACCOUNTS AND DISCONNECTION:**

- n. Fees levied pursuant to this section shall be due and payable on or before the due dates shown on the utility bill. Any fee not paid by the due date (approximately twenty (21) days after the bill is rendered) shall be considered delinquent.
- o. A delinquent fee, together with any applicable interest, shall be collectable as set forth in this section. Any delinquent or unpaid rates and charges may be assessed a 10% penalty of the first \$3.00 plus 3% of the remaining delinquent balance and collected according to the pertinent provisions of the Statutes of Indiana, as amended.
- p. Users are subject to disconnection after accounts are forty-five (45) days in arrears.
- q. Disconnection notices shall be mailed to the user and owner on record at least seven (7) days prior to disconnection.
- r. Any person who is delinquent on their combined utility bill and is subject to disconnection for nonpayment thereof must be notified of their right to a hearing before the Council to determine the appropriateness of the disconnection.
- s. If a Town customer desires to request a hearing contesting the fairness of disconnection of their combined utility bill, the customer must request such hearing in writing at the office the Town prior to the date of disconnection, as provided on the disconnection notice.
- t. Should disconnection occur, a reconnection fee of \$75.00 will be assessed and charged to the user's account. The user will be ineligible for reconnection until the account is paid in full.
- u. There shall be a charge of fifty dollars (\$50.00) for processing a check of insufficient funds. Duplicate bills will be charged at the rate of two dollars (\$2.00) for each bill reprinted.
- v. Emergency shut off of water will be charged at the rate of seventy-five dollars (\$75.00) during normal business hours or one hundred dollars (\$100.00) after normal business hours of the Utility Department of the Town of Hudson.

**Sec. 8 – 8 COLLECTION THROUGH TAX DUPLICATE AND CIVIL ACTION**

- w. As provided by the Statutes of the State of Indiana, delinquent fees may be made a lien against the property served through certification through the Auditor and the Recorder of Steuben County, Indiana.

- x. In addition to the forgoing remedies, the Town shall have the right to bring a civil action to recover any delinquent fees together with interest and reasonable attorney's fees. The Town shall also have the right, as provided by the Statutes of the State of Indiana, to foreclose any lien established under the provisions of this section with recovery of the charge, interest, and reasonable attorney's fees.

**Sec. 8 – 9 SEPARATE WATER AND WATER DEPOSIT FUNDS**

- y. The revenues collected by the Town from the monthly water user fees are deposited in a separate, non-reverting perpetual fund. This fund has been established for the purpose of accounting and paying the direct and incidental costs of water collection, treatment, and distribution. When necessary, Council may approve additional operating transfers into or from this fund.
- z. The revenues collected by the Town from security deposits are deposited into the water meter deposit fund.
- aa. Accurate and precise records of all receipts and disbursements shall be maintained by agents of the Town and shall be subject to inspection.

**Sec. 8 – 10 Fire Protection.**

- bb. Private Hydrants – per hydrant – per month ..... \$135.00 plus sales tax
- cc. Private Sprinklers – per month ..... \$78.75 plus sales tax

**Sec. 8 – 11 through Sec. 8 – 19 Reserved for Future Use.**

**ARTICLE 2. SEWER UTILITIES**

**Sec. 8 – 20 COLLECTION, FEES, AND PAYMENTS**

First 2,000 gallons .....	\$ 42.34 Flat Rate Minimum
Over 2,000 gallons.....	\$ 14.15 per thousand gallons

<u><i>Size of Meter</i></u>	<u><i>Minimum Monthly Rate</i></u>
5/8 – 3/4 inch meter or less .....	\$42.34
1 inch meter .....	\$65.08
1 ¼ inch meter .....	\$94.77
1 ½ inch meter .....	\$124.44
2 inch meter .....	\$195.80
3 inch meter .....	\$361.92
4 inch meter .....	\$599.38
6 inch meter .....	\$1,193.06

- a. The rates set within the above are based on a single meter and service a customer regardless of use. Provided however, for any multi-family dwelling unit where each unit is not individually metered, said customer shall be charged the minimum charge for a 5/8 or 3/4 inch meter plus the Billing Rate per unit.
- b. Subject to Section I.C.1., the minimum charge for sewage services where the user is a metered water consumer shall be based upon the size of the water connection and the location of the user as set forth above. All metered customers will be billed at a minimum of 2,000 gallons of use.
- c. Charges for sewer will be billed regardless of if water meter is disconnected or turned off as the structure is still connected to the sewer system and served by the system.
- d. Summer Sprinkling Credit is applicable to single-family domestic and residential users of sewer service. Water usage for the months of June, July, August, and September (collectively the "Summer Months") shall be compared to the previous usage billed for November, December, January, and February (collectively the "Winter Months") and the sewage billing shall be based on the lesser flow of the Summer Months vs. the Winter Months. The Town reserves the right to extend the term of the foregoing credit, but shall not lessen the term.
- e. All monthly statements shall be assessed a monthly billing charge in addition to use charges. Those charges are as follows:
- f. The user charges imposed under this section shall be billed to the person who is billed for water and sewer service. The account owner shall have the right to examine the Town's collection records to ascertain whether such charges have been paid.
- g. All adjustments to wastewater billings due to common, routine use are eliminated. All other adjustments are at the discretion of the agents of the Town.

**Sec. 8 – 21 DELINQUENT ACCOUNTS AND DISCONNECTION**

- h. Fees levied pursuant to this section shall be due and payable on or before the due dates shown on the utility bill. Any fee not paid by the due date (approximately twenty (20) days after the bill is rendered) shall be considered delinquent.
- i. A delinquent fee, together with any applicable interest, shall be collectable as set forth in this section. Any delinquent or unpaid rates and charges may be assessed a 10% penalty and collected according to the pertinent provisions of the Statutes of Indiana, as amended.
- j. Users are considered delinquent after accounts are forty-five (45) days in arrears.
- k. Delinquent notices shall be mailed to the user and owner on record at least seven (7) days prior to disconnection.
- l. Any person who is delinquent on their utility bill and is subject to disconnection or delinquency for nonpayment thereof must be notified of their right to a hearing before Council to determine the appropriateness of the disconnection.
- m. If the Town customer desires to request a hearing contesting the fairness of disconnection or delinquency of their utility bill, the customer must request such hearing in writing at the office of the Town prior to the date of disconnection, as provided on the disconnection notice.

**Sec. 8 – 22 COLLECTION THROUGH TAX DUPLICATE AND CIVIL ACTION**

- n. As provided by the Statutes of the State of Indiana, delinquent fees may be made a lien against the property served through certification through the Auditor and the Recorder of Steuben County, Indiana.
- o. In addition to the forgoing remedies, the Town shall have the right to bring a civil action to recover any delinquent fees together with interest and reasonable attorney's fees. The Town shall also have the right, as provided by the Statutes of the State of Indiana, to foreclose any lien established under the provisions of this section with recovery of the charge, interest, and reasonable attorney's fees.

**Sec. 8 – 23 NEW CUSTOMERS**

- p. Any and all owners of real estate, whether an individual or an entity and their or its survivors, heirs or assigns, outside the Town limits, who shall connect to the Sewage Works system, shall agree in writing prior to the connection to waive their rights to remonstrate against annexation by the Town
- q. The wastewater tap fee for new residential taps shall be the sum of one thousand dollars (\$1,000.00) per tap. The wastewater tap in fee for users other than single family residential shall be the sum of one thousand, three hundred fifty dollars (\$1,350.00) per tap. Said tap in rates shall be effective upon promulgation.
- r. Users are required to complete an application and provide photo identification prior to transfer of service. A security deposit in the amount of one month's minimum service charge shall be collected from all prospective customers prior to beginning services. Such security deposits shall not accrue interest payable to the user.
- s. Deposits shall be held by Town for a twenty-four (24) month period or when service is terminated, whichever occurs first. Deposits shall be applied to the user's account.
- t. Should the deposit result in a credit to the account, the Town shall refund the amount to the user within thirty (30) days of their final billing.

**Sec. 8 – 24 SEPARATE SEWER AND SEWER DEPOSIT FUNDS**

- u. The revenues collected by the Town from the monthly sewer user fees are deposited in a separate, non- reverting perpetual fund. This fund has been established for the purpose of accounting and paying the direct and incidental costs of sewer collection, treatment, and distribution. When necessary, Council may approve additional operating transfers into or from this fund.
- v.
- w. The revenues collected by the Town from security deposits are deposited into the sewer meter deposit fund.
- x.
- y. Accurate and precise records of all receipts and disbursements shall be maintained by agents of Hudson Utilities and shall be subject to inspection.

**Sec. 8 – 25 SEPTIC TANK REGULATIONS**

**COMMERCIAL/INDUSTRIAL PUMPING**

- z. For each industry in the Town of Hudson, the Town will pay for one (1) septic tank pumping on an annual basis and the industry shall be required to pay for any additional pumping required.
  - aa.
  - bb. The Town of Hudson will notify any industry owner of the necessity of tank pumping and unless the pumping occurs within ten (10) days of the date of the Notice, the Town will cause the tank to be pumped and the cost thereof shall be billed to the industry on the next regular sewer billing.
  - cc. Commercial customers shall also be on the industrial schedule.

**RESIDENTIAL PUMPING**

- dd. For each residential customer in the Town of Hudson, the Town will pay for one (1) septic tank pumping on a four-year rotating schedule. Residences which are vacant at the time they become due for pumping will not be pumped.

**Sec. 8 – 26 through Sec. 8 - 30 Reserved for Future Use.**