

**ORDINANCE NO. – 2023 – 03**

**AN ORDINANCE ESTABLISHING WATER RATES, BASIC RATES, MINIMUM MONTHLY CHARGES ACCORDING TO APPLICABLE SIZE OF METERS INSTALLED, FIRE HYDRANT COSTS, TAP-IN FEES, DISCONNECT CHARGES, SERVICE FEES, CHARGES FOR DELINQUENT BILLS, COLLECTION FEES, DISCONNECT NOTICE, METER DEPOSITS, WATER METERS, USER'S RESPONSIBILITIES TO THE TOWN OF FRANCISCO, GIBSON COUNTY, INDIANA**

**BE IT ORDAINED BY THE BOARD OF WORKS OF THE TOWN OF FRANCISCO, GIBSON COUNTY, INDIANA AS FOLLOWS:**

**INDIANA AS FOLLOWS:**

**THIS ORDINANCE SUPERSEDES AND REPLACES THE FOLLOWING ORDINANCES:** Resolution 2016-11, Utility Payment Plans; Ordinance 2004-02, an Amendment to 2002-1 Re: Bad Debts and Uncollectible Accounts, Responsibility to Fill Out Water User Application and The Responsibility of Landlords with Deposits; Ordinance No. 2002-9, Water Meters; Ordinance 2018-1 Amending 2016-1, Unincorporated Town Water Users; and any Tracker Ordinances and Rate Ordinance 2016-1.

**SECTION 1: RATES:** There are hereby established the following rates for users of the Francisco, Indiana Water Works Utility for one-half (1/2) inch, five-eighths (5/8) or three-fourths (3/4) inch meters with the basic rates for the below listed water consumption of 5/8", 1/2" and 3/4" meters:

**BASIC RATES PER 1,000 GALLONS**

Town of Francisco charges and rates for its customers are as follows:

CONSUMPTION PER MONTH:		
First	2,500 gallons	\$17.165 per 1000 gallons
Next	2,500 gallons	\$15.761 per 1000 gallons
Next	5,000 gallons	\$14.336 per 1000 gallons
Next	10,000 gallons	\$12.952 per 1000 gallons
Next	30,000 gallons	\$11.457 per 1000 gallons
Next	50,000 gallons	\$9.930 per 1000 gallons

**SECTION 2: MINIMUM CHARGES PER MONTH BASED UPON SIZE OF METER**

There are hereby established the following basic minimum charges per month based on the size of the water meter utilized by the user:

METER SIZE:	GALLONS	AMOUNT
1/2" to 5/8" or 3/4" Meter	2,500	\$42.91
1" Meter	5,300	\$86.29
1 1/2" Meter	7,800	\$122.04
2" Meter	11,600	\$174.14
3" Meter	18,750	\$266.37
4" Meter	26,850	\$360.59
6" Meter	43,500	\$550.40.

**SECTION 3: HYDRANT FEES:** Any Franciscan water user within One Thousand Two Hundred Fifty (1,250) feet of a fire hydrant shall be charged a monthly fire hydrant fee of Two Dollars and Twenty-Four Cents (\$2.24).

**SECTION 4: TAP-IN FEES:** Each user, at the time he is connected to the Franciscan, Indiana Water Works System, shall pay a charge for the costs of tapping into the water main, furnishing and paying service pipe, corporation and stop cocks, service and meter box and installing the water meter as follows:

5/8" to 3/4" or less meter	\$900.00 plus any excess installation material cost over \$500.00
3/4" or larger	\$900.00 plus cost of labor and materials

**SECTION 5: SERVICE FEE:** There is hereby established the following service fees:

- a. \$20.00 for service which includes preparation and mailing of the shutoff notice by the Clerk Treasurer
- b. \$20.00 total for actual shutoff and turning back on of water by the water manager or other employee.

**SECTION 6: DELINQUENT WATER BILLS AND DISCONNECTION**

There is hereby established a charge of ten per cent (10%) for any and all delinquent water bills which are due and payable from the first (1<sup>st</sup>) to the fifteenth (15<sup>th</sup>) day of each month, or the date due as stated on the bill.

In the event a water bill, fire hydrant bill and wastewater bill is not paid by the due date on the bill, a disconnect notice shall be generated and customer shall be notified of their right to a hearing before the Franciscan Water Board, consisting of the President of the Board and the Clerk Treasurer, to determine whether disconnect is appropriate. Further, that the customer is responsible for showing proof of payment upon receipt of Shutoff Notice and payment to the Clerk/Treasurer by taking a picture of their stamped paid water stub and texting it to the number on the shutoff notice, or if they have paid by Paygov.us, by emailing their Paygov.us payment receipt to the Clerk/Treasurer at [clerktreasurer@townoffrancisco.com](mailto:clerktreasurer@townoffrancisco.com) or by taking a picture of the Paygov.us receipt and texting it to the number on the shutoff notice. Said proof of payment is to be sent to the Clerk/Treasurer as soon as it is paid.

If a customer does not have a cell phone or email, they are to call the Clerk/Treasurer and advise the date the bill was paid, which bank it was paid at, and keep a copy of their payment stamped by the bank as paid, and provide to the Clerk/Treasurer, if she requests.

Any and all customers who pay their water charges by electronic payment such as Paygov.us prior to or on the penalty date and payment does not credit the water department's account until after the penalty date, the Board of Works hereby authorizes and directs the Clerk/Treasurer to waive the penalty on each occurrence, unless the payment is for a past due bill.

If the penalty date of the 15<sup>th</sup> falls on a Friday, Saturday, Sunday or a holiday, the penalty shall not be charged until the next business day.

If a Franciscan water customer desires to request a hearing to contest the disconnect for nonpayment of their combined water, fire hydrant, and wastewater bill, the customer shall request such

hearing in writing at the Office of the Clerk/Treasurer, Town Hall, Francisco, Indiana, within seven (7)

days after the date on the disconnect notice.

If customer is past due on the water bill less than Twenty-Five Dollars (\$25.00), a shutoff notice

shall not be generated.

Shutoff notices are to be sent following the penalty date, with shutoffs not to be scheduled prior

to the first of the month. Upon shutoff of the water, the water manager, or person shutting water off, is

to notify the Clerk/Treasurer of the date and time of shutoff and the meter reading as taken at the time

of shutoff. When the water is turned back on the water manager, or person turning the water back on,

is to notify the Clerk/Treasurer of the date and time the water was turned back on and the meter

reading as taken when turned back on.

#### SECTION 7: UTILITY PAYMENT PLANS:

Each customer shall be entitled to three (3) payment plans per year with the following

conditions:

a. A written payment agreement must be signed by all customers on the account and

witnessed by the Clerk/Treasurer;

b. The agreement must be requested prior to the shutoff date by calling the

Clerk/Treasurer;

c. If the agreement is to prevent shutoff, the past due is to be paid as determined by

the Clerk/Treasurer and/or the Board as a term and condition of the agreement.

#### SECTION 8: UNINCORPORATED TOWN WATER USERS:

All water customer's meters, without sewer, outside the corporate limits of the Town of

Francisco, Indiana will be charged, in addition to their monthly bill, a surcharge of \$4.78 per month. All

water customers on private water lines may be charged in addition to their monthly charges for water

loss recorded by master meters. All private water line owners are responsible for all water loss

attributable to their private water line and are subject to shutoff if not paid.

#### SECTION 9: USER'S RESPONSIBILITY

It shall be the responsibility of each user of the Francisco Indiana Water Works Utility to

maintain the water line from the meter to their home or other structure obtaining water service. It shall

also be the responsibility of the owners of private water lines to maintain said private line at the sole

and exclusive costs of the owner or owners thereof.

It is also user's responsibility to advise the Clerk/Treasurer of a change of mailing address.

Failure to receive a bill does not relieve user of payment and penalty.

#### SECTION 10: DEPOSITS

There is hereby established a deposit charge for new water and/or water users in the amount of

One Hundred Fifty Dollars (\$150.00). The deposit shall be paid at either the German American Bank in

Princeton, Indiana or German American Bank in Oakland City, Indiana.

The Clerk/Treasurer shall require all new water customers or reconnection water customers to

fill out and accurately complete an application to become a water customer before water service is

turned on. Said form is to be filled out at either the German American Bank in Oakland City, Indiana or

the German American Bank in Princeton, Indiana.

Upon a water and/or wastewater account being subject to their third shutoff notice due to non-payment of current bill, an additional deposit of One Hundred Fifty Dollars (\$150.00) shall be required for continuation of service. Said additional deposit must be paid within sixty (60) calendar days from the date on the third shutoff notice or water service will be shutoff until additional deposit is paid in full.

#### SECTION 11: REFUND DEPOSITS

Any deposits posted are to be applied to the customer's final bill and any remaining deposit amount is to be refunded, if requested. Interest shall not be paid on any part of the deposit.

#### SECTION 12: UNCLAIMED OR ABANDONED METER DEPOSITS

Any and all unclaimed or abandoned meter deposits shall be transferred to the cash operating fund of the Francisco Water Department, Francisco, Indiana.  
The board defines unclaimed and/or abandoned meter deposits to be any deposit remaining after a period of ninety (90) days from the date of voluntary or involuntary shutoff.

#### SECTION 13: REQUIREMENT FOR SEPARATE METER FOR ALL RESIDENCES AND BUSINESSES

Each individual house, trailer, modular home or any other building or structure used as a dwelling or commercial use shall EACH have their own individual water meter. However, the above-stated meter shall be subject to Council discretion.

Francisco Board of Works shall allow each individual customer to have more than one (1) water meter upon approval by the Board of Works. The additional water meter may or may not be subject to wastewater treatment charges, depending on its usage and approval by the Francisco Board of Works.

**a. Definitions:** Unless the content specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows: "Water Works" shall mean all facilities for distributions, pumping, treating and selling of water from the Town of Francisco, Indiana; (b) "Superintendent" shall mean the Superintendent of the municipal water works of the Town or the authorized employee, agent or representative; (c) "Dwelling" means any house, structure, mobile home or place used or intended to be used by human occupants as a place of residence; (d) "Shall" is mandatory; "May" is permissive; (e) "Water Meter" device which measures the quantity of water to any dwelling including its water yoke and setting.

**b. General Requirement:** (a) the owner (s) of all houses, buildings or dwellings used for human occupancy, education, employment, recreation or other purposes, including industrial or commercial businesses situated within the Town of Francisco are hereby required to install an individual water meter for each above-described facility in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so. (b) It shall be the responsibility of the Town to bring the water line to the property line and it shall be the property owner's responsibility to pay for the connection and meter to said water line in accordance with the provisions of this Ordinance. (c) No unauthorized person/persons or entity shall uncover, make any connection with or install said water meter without first obtaining a permit or supervised by the Superintendent or his designee. To do otherwise is a violation.

**c. Water Line and Meters:** (a) A separate and independent water meter shall be provided for every principal residential and/or commercial building except where waived or excepted by the Board of Works; (b) The water meters shall be located in a place or area approved or directed by the Superintendent or his designee; (c) The Town shall provide any and all water meters to the users of said Town Water System at the user's expense; (d) the Town shall allow a customer to have more than one (1) water meter, if requested and approved. The additional water meter shall not service a dwelling. The additional water meter shall not be charged wastewater charges if said water does not flow into the

wastewater system, upon approval of the Board of Works. (e) The water usage for the additional water meter which does not have wastewater charges shall not be used for human consumption. Any violation of this paragraph shall allow the Board of Works to rescind, revoke, terminate the non-charges of wastewater treatment.

**d. Expense or Cost:** (a) any person or persons who are presently connected to or on the Town's water works whom have two or more existing dwellings or commercial buildings or other structures used as residences shall be allowed to connect to said water works at a cost of \$185.00 per meter. (b) a meter deposit of \$150.00 shall be required for each new connection, to be paid within ninety (90) days of installation of meter. (c) any person or persons who fail to comply with this Ordinance shall be required to pay for water meter cost and installation cost and shall be fined by the Town in an amount of \$25.00 per day.

**e. Use:** This Ordinance is not to be construed to circumvent, set aside, amend or revoke any and all other Ordinances but merely an Ordinance to enforce the connection for each and every dwelling or commercial building to individual meters.

#### **SECTION 14: TRACKING**

Any and all rate increases passed by the Town's water supplier, Pike-Gibson Water, Inc., shall be automatically implemented in the above rate schedule. The Board of Works shall pass by Resolution a Rate Tracker to set forth the amount of the Pike-Gibson Water Inc.'s rate increase and date the increase will become effective to water users.

#### **SECTION 15: BAD DEBTS AND UNCOLLECTIBLE ACCOUNTS**

The Clerk/Treasurer may bring before the Board of Works any and all bad checks, inactive accounts or past due accounts which are at least two (2) years of age. The two (2) years shall be determined from the date of the last activity (payment, billing, or adjustment) on the account. The Board of Works may determine that the above-mentioned accounts are uncollectible and can move to have them removed from the current water record as bad debts.

#### **SECTION 16: BAD CHECKS**

The Clerk/Treasurer shall be given the authority to charge all water customers the sum of Twenty-five Dollars (\$25.00) for each returned, insufficient or closed account for checks/drafts. The said additional charge may be placed on the water customer's monthly statement.

#### **SECTION 17: ACCOUNTS OF DECEASED RESIDENTS: The Clerk Treasurer upon learning of the**

death of a resident shall send a letter to the last known address advising that the account of the deceased resident will be closed in thirty (30) days and the water will be turned off. In the event a relative of the deceased has moved in and wishes water service to continue, they are to contact the Clerk Treasurer and pay a deposit as set out in Section 10. Water will not be turned on for the relative until all charges have been paid on the deceased resident's account.

#### **SECTION 18: INVALIDITY OF ANY SECTION OF ORDINANCE**

Should any section, subsection, paragraph or provision of this Ordinance be declared or adjudicated unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

#### **SECTION 19: EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage by the Francisco Board of Works and after publication as by law provided.

SEAL

Date:

Jonnie Watkins, Clerk Treasurer

Attested to by

*Jonnie Watkins*

Steven A. Krieg, Board Member

Harold L. Everett, Board President

*Harold Everett*

Raymond E. Dunn, Board Member

*Raymond Dunn*

FRANCISCO BOARD OF WORKS/TOWN COUNCIL OF FRANCISCO, INDIANA

Approved this

day of

9<sup>th</sup>

May

, 2023.