

ORDINANCE NO. 2013-16

**AN ORDINANCE AMENDING TOWN CODE CHAPTER 78
UTILITIES, ARTICLE II. WATER, DIVISION 2 CONNECTION
AND USE, SECTIONS 78-58, 78-59(b) AND 78-71(5)**

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, IC 36-1-3-6(b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, the Town of Griffith is a municipal government located in Lake County, Indiana, which may pass and codify ordinances for its operation, all pursuant to IC 36-1-4 and IC 36-1-5; and

WHEREAS, under certain circumstances the Town of Griffith, Indiana, Code of Ordinances allows the Town of Griffith to discontinue water service to a customer; and

WHEREAS, a customer of the Town's water utility has certain procedural due process rights which should be afforded prior to discontinuance of water utility service; and

WHEREAS, the public health, safety, and welfare of the residents of the Town of Griffith requires that the interest of the Town's water utility and the procedural due process rights of the water customer be weighed and balanced in circumstances which require discontinuance of service based on nonpayment; and

NOW, THEREFORE, BE IT ORDAINED, by the Town Council for the Town of Griffith that Town Code Chapter 78 Utilities, Article II. Water, Division 2 Connection and Use, Section 78-58(c) shall be replaced in its entirety to read as follows:

(c) All water charges shall attach to the premises served as well as to the customer. The owner of rental premises shall be responsible for the payment of all bills rendered for service supplied to such premises. The utility shall give at least five (5) days prior written notice before disconnection of service, except for those cases arising due to necessary repairs, any tampering or knowingly permitting any tampering with any service pipe, service stop, meter, or meter seal. The notice shall be mailed to such customer at his address as shown upon the utility's records or personally delivered to the customer where a person is on the premises, advising the customer of the reason for the proposed discontinuance of service, and stating that service shall be discontinued if the reason continues to be uncorrected for five (5) days. The notice shall further provide that the customer may request an administrative hearing prior to the discontinuance of service. The administrative hearing shall be held before the Clerk-Treasurer or his designee. At the conclusion of the hearing, the Clerk-Treasurer (or his designee) shall have the authority, based on good cause shown, to affirm, modify, or reverse the order to discontinue service. The utility may discontinue service without notice in cases arising due to necessary repairs, any tampering or knowingly permitting any tampering with any service pipe, service stop, meter, or meter seal.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Town Code Chapter 78 Utilities, Article II. Water, Division 2 Connection and Use, Section 78-59(b) shall be replaced in its entirety to read as follows:

(b) The Griffith water utility will make an effort to read meters at least monthly, and such reading shall be prima facie evidence of the amount of water used. If the utility is unable to gain access to a customer's property, the customer may be billed an estimated charge based on the average of previous meter readings. The first billing made after the meter is read shall be adjusted according to the meter reading. All customers are required to have an electronic transmitting meter installed by the utility. All existing, manually read meters shall be replaced by the utility at no cost to the customer. The customer shall contact the utility to arrange for the replacement. Any customer who does not arrange for the replacement of an existing manually read meter shall be charged a fee of \$25.00 per month of service. Said \$25.00 fee shall recur monthly until such time as the manually read meter is replaced.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Town Code Chapter 78 Utilities, Article II. Water, Division 3 Rates and Charges, Section 78-71(5), table of *Other charges* shall be replaced to read as follows, the remainder of said Section 78-71(5) to remain as-is and in full force and effect:

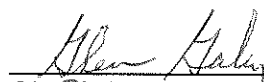
- (5) *Other charges.*
 - Meter tap\$200.00
 - 5/8" x 3/4" meter\$200.00
 - 3/4" x 3/4" meter\$250.00
 - 1" and larger meterMeter Kit Cost plus 20%
 - Reconnection charge\$30.00
 - Deposit for residential or commercial customers\$50.00
 - Deposit for industrial customers, or any other customers with more than twelve units (trailers, apartments, tenants, etc.) utilizing a single meter\$150.00

NOW, THEREFORE, BE IT FURTHER ORDAINED, that any and all such Ordinances or parts of Ordinances of the Town of Griffith that are in conflict with the provisions of this Ordinance are hereby repealed and of no further force or effect.


NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect from and after its passage and posting in accordance with Indiana Code 36-5-2-10.

PASSED AND ADOPTED by the Town Council for the Town of Griffith, Lake County, Indiana this 16th day of July, 2013.

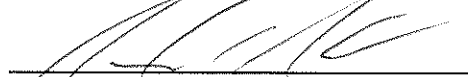
COUNCIL MEMBERS OF THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA



Glen Gaby, President



Lawrence Ballah



Rick Ryfa, Vice President



Patricia Schaadt

Absent
Stan Dobosz

Attest:


George Jerome, Clerk-Treasurer