

**ORDINANCE NO. 2022-12**

**AN ORDINANCE AMENDING TOWN CODE CHAPTER 78  
UTILITIES, ARTICLE II. WATER SERVICE, DIVISION 1  
GENERALLY, SECTION 78-37; AND DIVISION 2,  
CONNECTION AND USE, SECTIONS 78-58 AND 78-59**

**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 the right to enter on a person's property for the purpose of operating and maintaining the customer's meter, as well as to discontinue water service to a customer; and

**WHEREAS**, a customer of the Town's water utility has certain privacy rights and procedural due process rights which should be afforded prior to entry onto the person's property or 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 privacy rights and procedural due process rights of the water customer be weighed and balanced in circumstances which require entry onto a person's property or 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 Service, Division 1 Generally, Section 78-37 shall be replaced in its entirety to read as follows:

**Sec. 78-37. Right of entry.**

The properly authorized representatives of the town water utility shall have the right to enter upon the property of the customer at all reasonable times for the purpose of inspecting, cross connections, protective devices, atmospheric tank installations, booster pump vacuum breaker valves, and general plumbing, as well as for the purpose of reading, inspecting, repairing, or replacing the meter. If a customer refuses access to the customer's property for purposes of this section, the utility may discontinue service to the property until such access is made available. All utility representatives shall have proper credentials on their persons at all times. The town water utility may adopt rules to implement this process.

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

**Sec. 78-58. - Meter readings; billing.**

(a) Meters will be read at such frequency as determined by the water utility and bills will be rendered monthly according to the schedule of rates duly adopted and filed.

(b) If for any reason there is not an actual reading obtained by the water department personnel within a four-month period, the clerk-treasurer may instruct the water superintendent to make an actual reading. The water department shall contact the water customer for admittance to the meter. If refused admittance, department personnel shall shut the water off until an actual meter reading has been obtained.

(c) All water charges shall attach to the premises served as well as to the customer. The tenant of a 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 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 days. The notice shall further provide that the customer has the right to dispute the bill and 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. The utility may adopt rules to implement this process.

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

**Sec. 78-59. - Basis for monthly billing.**

(a) All charges for water service, other than the service charge, if any, shall be calculated upon the registration of the meters installed. 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. At all remote reading device locations, the inside meters shall be read at least once each year. Where there is a discrepancy between remote device readings and inside meter readings, the latter shall be used.

(b) The water utility will make an effort to remotely read meters at least monthly, and such reading shall be prima facie evidence of the amount of water used. The first billing made after the meter is read shall be adjusted according to the meter reading. If the water utility is unable to read the customer's electronic transmitting meter due to a malfunction of the device or a needed repair or replacement, the

utility shall promptly repair or replace the meter, as necessary, in order to obtain an accurate reading from the device. If a customer refuses access to the customer's property for purposes of this section, the utility may: (i) discontinue service to the property, or (ii) bill the customer an estimated charge based on the average of previous meter readings, until access is made available to the customer's property and an accurate meter reading is obtained.

**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.

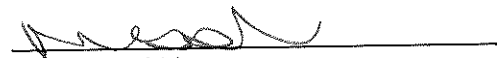
**PASSED AND ADOPTED** by the Town Council for the Town of Griffith, Lake County, Indiana this 5th day of April, 2022.

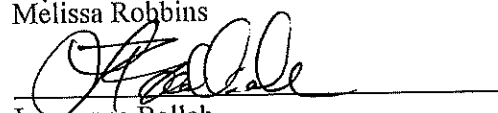
COUNCIL MEMBERS OF THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA

  
Rick Ryfa, President


  
Tony Hobson

  
Jim Marker

  
Melissa Robbins

  
Lawrence Ballah

Attest:

  
Gina Smith, Clerk-Treasurer