


Approval of Resolution #107-6-30-20-1, Approving Rules and Regulations Pertaining to MyWater Meter Replacement Program.

**CITY OF FORT WAYNE, INDIANA  
BOARD OF PUBLIC WORKS**

  
Shan Gunawardena, Chair

  
Kumar Menon, Member

  
Mike Avila, Member

ATTEST:   
Michelle Fulk-Vondran, Clerk

## Rules and Regulations Pertaining to MyWater Meter Replacement Program

### **I. Description of Program and Authority**

A. On October 8, 2019, the Common Council of the City of Fort Wayne, Indiana (“Common Council”) approved an agreement for a comprehensive meter replacement program that will involve installing new meters and communication devices and providing customer-friendly access to usage data (the “MyWater Meter Replacement Program” or “Program”). This Program is mandatory for all customers of Fort Wayne City Utilities and failure to participate as outlined herein may subject the customer’s water service to disconnection.

B. To ensure the safe, economical, and efficient management and protection of Fort Wayne City Utilities and its employees throughout the duration of the Program, the Fort Wayne Board of Public Works (“Board”) has approved these Rules and Regulations pertaining to the Program (the “MyWater Rules and Regulations”) in accordance with I.C. § 8-1.5-3-4.

C. Pursuant to the terms of the agreement approved by the Common Council, the majority of the work to replace meters and install the communication devices will be performed by the private contractor chosen by Fort Wayne City Utilities to implement the Program. There will, however, be instances where Fort Wayne City Utilities performs the work directly—whether as a result of scheduling issues with the private contractor, as part of its regular maintenance duties, or for other logistical reasons. These MyWater Rules and Regulations are intended to provide the applicable procedures when work is undertaken by Fort Wayne City Utilities as opposed to the private contractor unless specifically stated otherwise.

### **II. Installations of New Meters and Wire**

A. When necessary or appropriate, Fort Wayne City Utilities (the “Utility”) will complete installations of new meters, including running the necessary wire to the exterior of the customer’s building and installing an appropriate water meter communication device, as part of the Program.

B. For customers who do not already have a water meter communication device installed outside of their building or the appropriate wire, the Utility will run wire from the existing location within the building to the outside of the building, provided there is direct access from the existing location to an exterior wall. However, all customers shall also have the option of installing the wire themselves or having a private contractor install the wire in accordance with the customer’s preferences. In cases where there is no direct access to an exterior wall, the customer will be responsible for installing the wire or hiring a private contractor to install the wire.

C. All new wire that is installed must be 6-wire, 22-26 gauge wire, solid diameter.

D. When the Utility or its representative installs the wire, the Utility or its representative shall have the right to determine the best path for the wire, meaning the most efficient way to run the wire outside. The Utility or its representative shall not be required to accommodate requests to run wire in a different manner than what was determined by the Utility or its representative to be the most efficient path. If a customer wants the wire to be run in a different manner, the customer shall be given thirty (30) days to run the wire or to hire a private contractor to run the wire in accordance with the customer's preferences. Failure by the customer to have the wire installed within thirty (30) days may subject the customer's water service to disconnection. Additionally, the customer will be assessed a special trip charge in accordance with the Utility's Miscellaneous Rates and Charges for the cost to return to the customer's premises and connect the wire to the meter.

E. For all work performed by the Utility, the Utility will take reasonable precautions to prevent and/or minimize damage to the customer's premises. Regardless of the amount of care that is taken, however, it is possible that damage, such as damage to drywall, siding, masonry, or other materials may occur. The Utility is not responsible for damages to the customer's premises, including, without limitation, damage to drywall, siding, masonry, or other materials except to the extent caused by the Utility's intentional misconduct.

F. Upon completion of any work by the Utility, the Utility will clean up any debris and/or materials used in the work and the premises will be left in a broom-swept condition.

G. If a customer elects to install the wire or have a private contractor install the wire, the Utility or its representative will provide existing customers with the amount of wire that would be needed to run the wire to the outside along the Utility's or its representative's preferred path. The customer is responsible for obtaining any additional wire that may be necessary to complete the installation along a different path. The Customer may pick up the additional wire if necessary, from the Utility or its representative. Such wire must comply with the specifications provided in Subsection C. above.

H. The customer is responsible for the condition of any wire installed by the customer or a private contractor. If the wire is damaged and/or prevents the meter from communicating with the water meter communication device, the customer will be provided thirty (30) days to have the wire repaired to ensure proper functioning. Failure to complete any necessary repairs within thirty (30) days may result in disconnection of water service. The customer may also be charged an additional trip fee since the Utility or its representative will have to return at a later date to connect the wire to the meter.

### **III. Access to Meter and Premises**

A. In accordance with the Fort Wayne Water Utility General Rules and Regulations, properly authorized representatives of the Utility shall have the right to enter upon the customer's premises at all reasonable times for the purpose of reading, inspecting, repairing, testing, removing, relocating or replacing the meter or meters, water meter communication devices, and other equipment used in connection with the customer's service. Failure to allow access to the customer's premises for the above purposes after receipt of a written request shall be cause for discontinuance of the service.

B. Each customer is responsible for providing unobstructed and non-hazardous access to the Customer's premises and the meter, water meter communication device and other Utility owned equipment so that representatives of the Utility may take meter readings, make all necessary inspections, and maintain, replace, or remove the meter, water meter communication device and/or equipment of the Utility. The Customer is responsible for ensuring that meters and other equipment are installed in accordance with the Utility's design standards and specifications.

C. If a Utility representative determines that work or testing would be unsafe due to existing conditions on the customer's premises or the location of the meter or other equipment on the customer's premises, the customer shall be notified in writing and shall have thirty (30) days to complete the necessary repairs to allow for safe working conditions or access to the meter. Failure to complete the necessary repairs within thirty (30) days may result in discontinuance of service.

### **IV. Appointments**

A. An individual over the age of eighteen (18) with a photo ID and who has authority to make decisions on behalf of the property owner must be present at the time work is performed by the Utility. If a customer is unable to be present when the work is scheduled to be performed, the customer may designate a friend, family member, neighbor, or other individual over the age of eighteen (18) to be present at the time of the work. In such a case, the customer is encouraged to contact the Utility in advance to let the Utility know who will be present. In any event, the Utility is entitled to rely on the authority of any individual who is present at the time of the appointment if the property owner is not present.

B. The Utility understands that circumstances may arise that could require a customer to change or cancel a previously scheduled appointment. In such cases, the customer must contact the Utility at least twenty-four (24) hours prior to the scheduled appointment time to reschedule the appointment. Failure to notify the Utility at least twenty-four (24) hours in advance of the appointment time may result in the customer being charged an additional trip charge in accordance with the Utility's Miscellaneous Rates and Charges.

C. If a customer has cancelled or missed (2) scheduled appointments, the Customer will be provided written notice requiring the meter installation to be completed within ten (10) days. If the customer fails to promptly contact the Utility and the Utility is unable to complete the installation within the ten (10) days specified in the notice, the Customer's service shall be subject to disconnection. In addition, the customer may be assessed additional charges, such as additional trip charges, to allow the Utility to recover any costs it incurs as a result of the cancellation(s).

D. Threatening behavior toward any Utility staff will not be tolerated. If a customer engages in threatening behavior while Utility staff is on the premises, the threatened individual will leave the premises and the customer will be charged an additional trip charge for the appointment. The police department may also be notified.

## **V. Vacant and For Sale Properties**

A. Properties that are vacant or for sale which do not have an active water account will not have a new meter installed or wire run until the property becomes occupied and a request for new water service is made. Once a new request has been made, the Utility will promptly work with the prospective customer to schedule a time to install the new meter and run any necessary wire. Except in cases where the Utility is unable to schedule an appointment within five (5) days of the date of the request for new water service, water will not be turned on until the new meter is installed.

## **VI. Application of Water Rules and Regulations and the Fort Wayne City Code**

A. Any work performed by the Utility as part of the Program shall be governed by these MyWater Rules and Regulations, the Fort Wayne Water Utility General Rules and Regulations, and the provisions of Chapter 52 of the Fort Wayne City Code. In the event of a conflict between any of the foregoing authorities, the order of precedence shall be as follows: first, the provisions of the City Code; second, these MyWater Rules and Regulations; and third, the Fort Wayne Water Utility General Rules and Regulations.

B. If a customer is aggrieved by a determination of the Utility, including a determination to discontinue water service pursuant to the terms of these MyWater Rules and Regulations, that customer shall have the same rights of appeal as set forth in the Fort Wayne Water Utility General Rules and Regulations.