

FORT WAYNE WATER UTILITY
Fort Wayne, Indiana

GENERAL RULES & REGULATIONS

Adopted and Approved
by
The Board of Public Works
and effective as of
February 12, 2003

As Amended March 27, 2018, May 1, 2018, January 1, 2019, January 8, 2019

TABLE OF CONTENTS

GENERAL RULES AND REGULATIONS	page 1
<u>ARTICLE I – DEFINITIONS</u>	page 2
<u>ARTICLE II – REGULATIONS AND CONSUMER INFORMATION</u>	page 5
RULE 1. RULES AND REGULATIONS ON FILE	page 5
RULE 2. NOTICE OF PROPOSED RATE CHANGE	page 5
<u>ARTICLE III – WATER SERVICES</u>	page 6
RULE 3. CONTRACT REQUIRED	page 6
RULE 4. CONTRACT ASSIGNMENT	page 7
RULE 5. CONTRACT MODIFICATION	page 7
RULE 6. DEPOSITS	page 8
RULE 7. DESCRIPTION OF SERVICE TO BE FURNISHED	page 9
RULE 8. CONNECTION AND INITIATION	page 9
RULE 9. DISCONTINUANCE AND DISCONNECT	page 10
RULE 10. PROHIBITED DISCONNECTIONS	page 14
RULE 11. PERMANENT DISCONNECTIONS	page 14
RULE 12. RESALE OF WATER PROHIBITED	page 15
RULE 13. INCREASE IN LOAD	page 15
RULE 14. INTERRUPTION OF SERVICE	page 15
<u>ARTICLE IV – SERVICE CONNECTIONS</u>	page 16
RULE 15. WATER MAIN EXTENSIONS	page 16
RULE 16. DEFERRED PAYMENT	page 16
RULE 17. SERVICE CONNECTIONS	page 16
RULE 18. MAINTENANCE OF SERVICE PIPES AND METER BOXES	page 19
RULE 19. FROZEN MAINS AND SERVICES	page 20
RULE 20. INSIDE PIPING AND SERVICE LINES	page 20
RULE 21. CROSS-CONNECTIONS AND BACKFLOW	page 21
RULE 22. BOOSTER PUMPS	page 21
RULE 23. ACCESS TO PREMISES	page 21
<u>ARTICLE V – METERING</u>	page 23
RULE 24. METERING	page 23
RULE 25. NEW CONSTRUCTION	page 25
RULE 26. REMOTE METER READING DEVICES	page 25

ARTICLE VI – BILLING page 26

RULE 27.	ESTABLISHMENT OF RATES	page 26
RULE 28.	BASIS FOR MONTHLY BILLING	page 26
RULE 29.	ESTIMATED BILLINGS	page 27
RULE 30.	STATEMENT CONTENTS AND REQUIREMENTS	page 27
RULE 31.	PAYMENT	page 28
RULE 32.	ERRORS AND ADJUSTMENTS	page 29
RULE 33.	COLLECTIONS, LATE CHARGES AND DELINQUENCY	page 30
RULE 34.	SPECIAL PURPOSE WATER	page 31
RULE 35.	IRRIGATION METERS	page 32
RULE 36.	PRIVATE FIRE PROTECTION SERVICE	page 32
RULE 37.	WATER RATIONING EMERGENCY	page 34

ARTICLE VII – APPEALS page 36

RULE 38.	ADMINISTRATIVE REVIEW AND APPEALS	page 36
----------	-----------------------------------	---------

ARTICLE VIII – RULES page 37

RULE 39.	PRESENT RULES SUPERSEDE ANY PRIOR RULES	page 37
RULE 40.	ENFORCEMENT OF RULES	page 37
RULE 41.	AMENDMENTS AND REVISIONS	page 37

GENERAL RULES AND REGULATIONS

The General Rules and Regulations of the Utility, as amended and supplemented from time to time, shall govern all water service rendered or to be rendered by the Utility, shall be binding upon every customer, and shall constitute a part of the terms and conditions of every contract for water service, whether expressly incorporated therein or not or whether or not a signed application for water service is on file. It is understood that such rules are necessary to provide the maximum benefit to public health and well being as the public uses the services of the Utility. It is further understood that such rules and regulations are adopted for the safe, economical and efficient construction, management and operation of the Utility in accordance with Indiana Code 8-1.5-3-4.

The following policies are by reference made part of these General Rules and Regulations and copies are attached hereto:

Policy of the Fort Wayne Board of Public Works Regarding Public and Private Water System Infrastructure and Extension of Water Mains
Developer Installed Water Taps Policy
Policy and Procedures for Water Service Disconnections – Building Demolitions

Gender Statement

For simplification purposes, the masculine gender pronoun is used throughout these General Rules and Regulations, but represents both the masculine and feminine pronoun.

ARTICLE I - DEFINITIONS

The following words, as used in these General Rules and Regulations, have the following respective meanings:

APPLICANT means any person applying for water services, a prospective customer.

CONSTRUCTION WATER is water to be used on a temporary basis that is necessary to complete the construction of the building or facility at a premises and shall not include water to be used for domestic, irrigation or landscaping purposes.

CURB STOP or **SERVICE VALVE** is a fitting inserted in the service pipe in the right-of-way near the property line for turning on and shutting off water to the premises supplied or to be supplied.

CUSTOMER or **CONSUMER** is the person having any interest, whether legal or equitable, sole or only partial, either as tenant, contract purchaser or owner, in any property that is, or is to be, supplied with water service, either temporarily or permanently, by the Utility and all those having such interest and deriving said benefit from the Utility.

DEFRAUDING UTILITY is the act of requesting or receiving utility service(s) under fictitious circumstances or any other act done with the intent to deprive City Utilities of its right to payment.

DISTRIBUTION MAIN is a pipe owned by the Utility, located in a street, easement, road, right-of-way and/or alley and used to deliver finished water.

DISTRIBUTION SYSTEM (PUBLIC) is a network of water mains and appurtenances that deliver potable water from the Filtration Plant to the user.

INDIANA UTILITY REGULATORY COMMISSION (IURC) is that State body empowered with the ultimate authority to approve or amend rates and charges assessed and collected by the Utility.

METER is a mechanical device owned by the Utility and used to measure and record the quantity of water supplied to the customer. The meter is the official recorder of the amount of water consumed by a customer.

MONTH is the period between any two consecutive regular billings by the Utility for service rendered to a customer at his premises. Such billings are scheduled at intervals of approximately thirty (30) days. For purposes of billing, a month is 25-35 days. Any bills produced outside this parameter shall be pro-rated, on a per day basis.

MONTHLY METER SERVICE FEE is a charge assessed to each customer to recover administrative costs and those associated with billing, meter reading and maintenance of the water system, based on the size of the meter.

MUNICIPAL means an entity having local self-government. For the purposes of these General Rules and Regulations, this refers to the City of Fort Wayne, Indiana.

OWNER designates the person holding the deed or record title to a premises. For the purpose of these General Rules and Regulations, a contract purchaser is considered an owner of an equitable interest in the subject real estate. Recordation of said contract is not necessary to validate said interest. Said contract must meet the minimum requirements of Indiana Code 32-21-1-1 et.seq.

PERSON means any individual, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity.

A **PREMISES** is a dwelling, building, structure or parcel of real estate that is normally supplied with water through one separate service pipe and meter installation.

PRIVATE FIRE SERVICE is a privately owned arrangement of pipes, fixtures and devices designed for stand-by service and from which water is taken only for the extinguishment of fires.

PRIVATE MAIN is a privately owned pipe connected to the Utility's distribution system and used to deliver water:

- a) For private fire service purposes; and/or
- b) For general service purposes, service rendered through such private main shall be billed directly by the Utility in accordance with established rates unless otherwise provided by written contract.

REMOTE RADIO/TOUCH PAD READING DEVICE is a device that works in conjunction with the water meter that assists City Utilities in taking readings of water usage without having to access the water meter. This kind of visual remote reading device is not the final gauge of the amount of water consumed by a customer, and a reading obtained there from is superseded by a reading taken directly from the meter. However, bills are regularly calculated based on the monthly reading from remote reading devices.

SERVICE is that portion of pipe situated between and including the tap and the curb stop, which is installed by City Utilities or a contractor and maintained by City Utilities after the expiration of any applicable maintenance bond.

SHALL means mandatory; **MAY** means permissible.

SPECIAL PURPOSE WATER is water usage that is temporary in nature and does not follow normal meter installation and billing procedures.

TAP or **CORPORATION STOP** is a fitting owned by the Utility and inserted in the distribution main to which the service pipe is attached.

THEFT OF UTILITY SERVICE is the act of obtaining or receiving water service from a fire hydrant, or other water source without written permission from the Utility, and with intent to avoid payment for said water service (as further defined in Chapter 52 of the Fort Wayne Code of Ordinances.)

TWO-ON-ONE is a water service that has one tap in the water main and one pipe leading to one curb stop from which two or more customers receive service.

UTILITY is the Fort Wayne Water Utility, a department within the Division of City Utilities of the City of Fort Wayne, Indiana, having its principal office at One Main Street, City-County Building, Fort Wayne, Indiana, and engaged in furnishing the public water supply in the City of Fort Wayne and its environs.

ARTICLE II - REGULATIONS AND CONSUMER INFORMATION

RULE 1. RULES AND REGULATIONS ON FILE

A copy of all rates, charges, rules and regulations according to which water service shall be rendered are filed for the convenience of the public in the Office of Utility Administration of the Division of City Utilities, City of Fort Wayne and with the Indiana Utility Regulatory Commission.

Upon request by the applicant or customer, the Utility shall furnish, without charge, a copy of its rate schedules.

RULE 2. NOTICE OF PROPOSED RATE CHANGE

Whenever the Utility shall file petition with the Indiana Utility Regulatory Commission for a change in its rate schedule, the Utility shall give notice thereof to all of its customers. Such notices shall be sufficient if made in a general mailing to all customers, if made in its billing mailings, or if made by publication as a legal notice in a newspaper of general circulation in the locality. Such mailing or publication shall be made after the filing of the Petition and prior to the date of public hearing. The notice shall contain a clear and concise explanation, fairly summarizing the nature and extent of the proposed change, and shall give notice of the date, time and location of any public hearing thereon.

ARTICLE III - WATER SERVICES

RULE 3. CONTRACT REQUIRED

The Utility shall not be required to provide water services, on a temporary or permanent basis, unless and until there shall be a written service application or contract, acceptable to, and on file with the Utility.

Applicant may be required to show positive identification when applying for service. In the absence of picture ID, a minimum of two proofs of identification may be required (i.e. certified copy of birth certificate, verifiable social security card).

If applicant is leasing or buying on contract the premises where service is sought, a copy of the current lease or contract purchase document must also be provided to the Customer Relations Department where it will be kept on file with the contract for service. All occupants must be identified.

Commercial and industrial customer contracts shall be executed by an individual with authority to bind the business and shall be accompanied by assurance of payment satisfactory to the Customer Relations Manager.

A written contract for service shall be in full force and effect until the party contracting for service notifies the Utility he/she wishes to terminate the service, or until legal documentation of property ownership change has been provided, or until proof of the new customer's identity and date of transfer has been provided to the Customer Relations Department of the Utility.

The Utility may reject an application for any of the following reasons:

- A. If the Utility shall determine that the applicant has or is defrauding or attempting to defraud the Utility;
- B. If the Utility shall determine that the applicant has an unpaid balance, unless the applicant shall pay said balance in full or make payment arrangements prior to new service, provided, however, that if the applicant shall have been discharged of the debt or obligation by proceedings in the United States Bankruptcy Court, service shall not be refused for failure to pay said unpaid balance;
- C. If the Utility shall determine that a service address has experienced customers with excessive uncollected billings during the most recent two (2) years, and such billings total in excess of \$400.00, a contract from any applicant other than the property owner(s) shall be rejected;

- D. If the Utility shall determine that a service address has been occupied and water has been used without a valid customer contract for a period of one (1) year, a contract from any applicant other than the property owner(s) shall be rejected. Additionally, the property owner shall be billed for the services used while services were considered off;
- E. If the Utility shall determine that the use or condition of the premises would result in waste pollution, or damage to property of the Utility or to others, or if said use or condition would result in a violation of any ordinance or statute; or
- F. If the Utility shall determine that the use or condition of the premises, or the actions of the customer, or any person acting on behalf of or with the permission of the customer, shall violate any duly adopted rule or regulation of the Utility.

If the Utility denies service, it shall notify the applicant, stating the precise facts upon which the Utility based its determination.

In the event that any person shall be aggrieved by any determination by the Utility under the foregoing, said person may request, and shall be granted an Administrative Appeal in accordance with Rule 38 of these General Rules and Regulations.

RULE 4. CONTRACT ASSIGNMENT

The benefits and obligations under any contract for the supply of water by the Utility shall begin when the Utility commences to supply water service there under and shall inure to and be binding upon successors, assigns, survivors, or legal representatives, as the case may be, of the original parties thereto, for the full term thereof; provided, that no assignment thereof by the customer or by any successor, assign, survivor, or legal representative shall be effective unless and until the Utility's written consent to any such assignment is obtained. If the original customer fails to inform the Utility, and obtain its approval of such an assignment, the Utility, at its sole option, may hold the original customer responsible for any and all charges incurred at the service address unless or until approval is granted.

The Utility may hold the property owner(s) responsible for any and all charges incurred at a service address where it finds that services have been turned on and used without a binding contract for such services.

RULE 5. CONTRACT MODIFICATION

No promises, agreements or representations by any agent of the Utility shall be binding upon the Utility unless they have been incorporated into a written contract signed and approved by an agent of the Utility authorized to sign such contract on behalf of the Utility.

RULE 6. DEPOSITS

An applicant shall deposit with the Utility a minimum deposit based on the current Fort Wayne City Utilities' deposit schedule as approved by the IURC, as a guarantee against non-payment of billings for utility service.

The Utility may require an existing customer to make a cash deposit when the customer's bill has been delinquent for two (2) consecutive months or for any three (3) months within the preceding twelve (12) month period, or when the service has been disconnected pursuant to Rule 31 of these General Rules and Regulations. The amount of such deposit shall not exceed an amount equal to the greater of two months' billings at the service address, or be less than the minimum amount currently approved by the IURC. In the event that a deposit is required as a result of actual disconnection or dispatch of a service order to the Water Maintenance and Service Department requesting disconnection for non-payment, full payment of the deposit plus the delinquent bill may be required prior to reconnection.

The deposit shall be retained until the customer has completed twelve (12) consecutive months of prompt, non-delinquent payment. The deposit shall thereafter be applied to the account. Any delinquency or late payment shall start the twelve-month period running again.

Upon notification from a qualified not-for-profit organization or governmental agency that a customer will be receiving assistance in paying a bill to City Utilities, the customer's deposit may be applied to the account balance.

The deposit shall be handled in the following manner upon customer requested termination of service:

- A. The Utility shall require payment of any past due or current balance billed and owing at the time of termination;
- B. The Utility shall apply the deposit to the final bill or transfer it to the new service address account if new service is within City Utilities' service area;
- C. If applied to the final bill, any portion of said deposit remaining after such application, which is greater than \$2.00, shall be automatically forwarded to the customer;
- D. Where any deposit has been applied to payment of arrearage, the Utility may require a new deposit before service is reconnected;

The Utility shall maintain a record of each applicant or customer making a deposit that shows:

- A. The name of the customer;
- B. The current address of the customer so long as he maintains the active account with the Utility in his name;

- C. The amount of the deposit;
- D. The date the deposit was made; and
- E. A record of each transaction affecting such deposit.

Any deposit made by the applicant, customer, or any other person with the Utility (less any lawful deductions), which has remained unclaimed after the Utility has made diligent efforts to locate the person who made such deposit or the heirs of such person, shall be presumed abandoned. Said funds shall be deposited in the operating fund of the Utility (per Indiana Code 32-9-1-2.5).

RULE 7. DESCRIPTION OF SERVICE TO BE FURNISHED

Upon request, the customer shall present to the Utility a written list of devices that are to be attached to the Utility's lines, giving the location of the building. The Utility may then advise the form and character of the supply available.

RULE 8. CONNECTION AND INITIATION

- A. Until an approved contract for water service has been executed and a meter has been installed, or arrangements are made to pay for special purpose water usage, water shall not be turned on at any premises. Water shall not be turned on unless there is at least one adult person, 18 years of age or older, present to see that all water outlets on the premises are closed in order to prevent water leakage or damage. Only a Water Utility representative shall turn on water.
- B. The Utility may operate private curb stops and service valves, at the Utility's discretion, when possible. However, in operating same, the Utility shall not assume responsibility for any damage or leakage that may occur. Any repairs to private facilities shall be at the customer's expense. It is the customer's responsibility to maintain private curb stop(s) in operating condition, at an accessible location.
- C. A fee in an amount approved by the IURC shall be charged by the Utility for turning water service off and on again for the purpose of making repairs to a private plumbing system, for extended absence, or any other reason when done at the request of or for the benefit or convenience of the customer.
- D. Reconnection of the service following shutoff under paragraph C is included in the initial service charge; however, if the Utility schedules an appointment for turning on the service and for any reason the customer fails to keep that appointment necessitating an additional trip to the premises by the Utility, the service charge shall be doubled, and added for each and every additional service call.

- E. When water is required to test plumbing before a water contract has been executed and a meter installed, a Water Utility employee shall be called to make the turn-on and turn-off. It is a violation of both the Water Utility's General Rules and Regulations and the Fort Wayne Code of Ordinances for anyone other than a Water Utility employee to make any such turn-ons.
- F. No person other than an authorized representative of the Utility, the Fire Department, the City Street Department or the City's Water Pollution Control Department shall remove the nozzle cap or open or operate any fire hydrant to which water is supplied by the Utility.

Any violation of this rule shall be considered theft of City Utilities property and services and shall subject the offender to the penalty provided in Chapter 52.01 of the Fort Wayne Code of Ordinances, and to payment for the estimated quantity of water used or wasted during the period the water was turned-on without authority from the Water Utility.

- G. The Director of Utilities of the City of Fort Wayne may, from time to time, promulgate policies respecting the scheduling and billing of service calls to effectuate the intention of these General Rules and Regulations.

RULE 9. DISCONTINUANCE AND DISCONNECT

A. Upon the customer's request:

- 1) The customer shall notify the Utility at least seven (7) working days in advance of the day discontinuance is desired. In the case of discontinuance of a private fire protection service, the customer's notice shall be in written form, signed by an authorized agent or representative of said customer's insurance company. If the customer is other than the property owner, customer shall also provide to City Utilities written approval by the property owner for the disconnection of private fire protection service. The customer shall remain responsible for all service used and the billings there for until service is discontinued pursuant to such notice.
- 2) The Utility shall discontinue water service within seven (7) working days of a customer's requested discontinuance date. The customer shall not be liable for any service rendered to such address or location after the expiration of these seven (7) working days. Two-on-one services are excepted from this provision. (See Rule 17-H of these General Rules and Regulations).
- 3) The customer is responsible for providing access to the premises for an inside actual final meter reading. Failure to do so shall result in the Utility rendering a final bill based on an average of previous consumption. No billing adjustments shall be made except in the case where the Utility was unable to obtain a final read due to the customer's unavailability. Thus, if at a later date the Utility obtains a higher read

showing additional actual consumption prior to a third party or new customer commencing service, the previous customer may be responsible for the charges incurred for the additional finalized consumption registered on the inside meter.

- 4) There shall be no abatement of charges in whole or in part due to any extended absence of the customer for any cause unless the Utility has been notified to turn off the water prior to the absence.
- 5) When water service is temporarily discontinued at the request of the customer, a charge approved by the IURC to cover the expense of turning the water off and on shall be made.
- 6) The Utility shall disconnect service upon customer request only between the hours of 8:00 a.m. and 4:30 p.m., Monday – Thursday, prevailing local time, unless an emergency exists.

B. Without the customer's request:

- 1) At its sole discretion, the Utility may disconnect service without notice to the customer:
 - a) When an emergency exists;
 - b) For any use of water not authorized by the Utility including but not limited to water obtained through fraud;
 - c) Upon discovery of unprotected cross connection of a customer's water pipe lines to any other source of water supply or for permitting any condition to exist about the premises that causes or might cause contamination and/or pollution of the public water supply, or any part thereof;
 - d) Upon orders by any authority having jurisdiction of such matters;
 - e) Upon discovery of improper installation of a new service pipe and appurtenances or alteration or removal of existing service pipe and appurtenances, including the meter, without necessary approval by the Utility;
 - f) For waste or use in excess of contract by a customer on a special purpose unmetered rate, or improper use of construction water;
 - g) For any tampering by customer or if customer knowingly permits any tampering with any service pipe, curb stop or service valve, meter or meter seal, meter by-pass valves or any other appliance or equipment owned by the Utility;
 - h) When premises are found to be vacant without notice to the Utility and payments are not current;

- i) If customer issues or causes to be issued any invalid form of payment (for example, a bad check, invalid bank account number, invalid credit card number, etc.) to avoid termination of service;
 - j) For failure to comply with the terms of a Credit Extension Agreement;
 - k) For failure to pay a cash security deposit when required; or
 - l) For any action or failure to act, in violation of any federal, state or local law which, in the opinion of the Director of Utilities of the City of Fort Wayne, poses a danger to the public, the City or the environment or has the potential to cause the City to violate any state or federal permit.
- 2) The Utility may disconnect service, with written notice to and without request of the customer, for:
- a) Failure to repair any leak in the service pipe or appurtenances between the service connection and the meter, or in any private fire protection system or other unmetered facility;
 - b) Failure to timely pay in accordance with Chapter 52 of the Fort Wayne Code of Ordinances and/or these General Rules and Regulations, any water bill or other charges in connection with water utility service, installations or facilities at the service address, other service address, or otherwise, except as noted hereafter;
 - c) Failure to provide unobstructed and non-hazardous access to the premises and meter, appliance and/or 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, appliances and/or equipment of the Utility;
 - d) Failure to maintain approved meter settings, including pits and vaults; or
 - e) Failure to pay any account or amount owing to the Utility for damage to Utility property, or for labor or material furnished to repair the damage.
- 3) The general conditions for disconnection without customer request are:
- a) The Utility shall give written notice either mailed to such customer at his billing address as shown on the Utility's records or personally delivered to him or to an adult person 18 years of age or older on the premises, advising the customer of the proposed discontinuance of service and stating that service shall be discontinued if the reason continues uncorrected. Whenever feasible, this notice shall be given at least five (5) days in advance of the disconnection.

The Utility shall not disconnect service for non-payment on any day on which the Utility's offices are closed to the public, or after twelve noon (12:00 p.m.) on the day immediately preceding any day on which the Utility office is not open to the public.

- b) A service charge approved by the IURC shall be assessed for any administrative action associated with a disconnect. In the event a customer shall have corrected the deficiency or default, so that disconnect becomes unnecessary, the Utility may waive the assessment of said service charge.
- c) Utility personnel in the field shall accept no payments in lieu of disconnection.
- d) Following disconnection, water service to the premises shall be renewed upon proper application when the conditions under which service was discontinued have been corrected to the satisfaction of the Director of Utilities, when all charges due from the customer have been settled, and when arrangements have been made to provide access to the premises during the next or any subsequent regular working day. The regular hours of the Utility Administrative customer Service Offices shall be posted at the office location. Same day service may be available at an additional fee, in accordance with the Utilities' non-recurring rate schedule. Charges for same day service shall be collected in advance.
- e) If the shutting off or renewal of service involves any excavation work by the Utility, the cost of such work shall be borne by the customer, and the City shall not be responsible for any damage done to the property as a result of such excavation work.
- f) If the conditions under which service was discontinued have not been corrected within thirty (30) days, the Utility shall have the right to final the account. In the absence of a final read, the Utility shall render a final bill based on an average of previous consumption; if arrangements are made for a final read within seven (7) working days following the date of the final bill, billing adjustments shall be made. No adjustments shall be made after the expiration of the seven (7) day period, except as stated in Rule 9 of these General Rules and Regulations.
- g) Reconnection of the service is included in the initial IURC-approved service charge for next day service. However, if the Utility schedules an appointment with the customer for turning on the service or for any other reason and the customer fails to keep that appointment necessitating an additional trip to the premises by the Utility, an extra service charge shall be added for each and every additional service call.
- h) If following a disconnection the Utility shall determine a customer's water service has been turned on without authorization, the Utility shall turn off the water and may take steps to prevent any future unauthorized turn-on. The customer shall be charged for a service call, together with the cost of labor and materials required,

and may be prosecuted for theft of City Utilities property and services. Further, if persistent problems occur with regard to unauthorized usage, the Utility may require that the property owner(s) establish and maintain the account in their name(s).

- i) In the event any person shall be aggrieved by any determination by the Utility under the foregoing, said person may request, and shall be granted, an Administrative Review and Appeal in accordance with Rule 38.

RULE 10. PROHIBITED DISCONNECTIONS

- A. Except as otherwise provided, the Utility shall postpone or cause to be postponed the disconnection of service under Rule 9-B for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the Utility with an approved medical statement from a licensed physician or public health official on the appropriate City Utilities form, which states that disconnection would be a serious and immediate threat to the health or safety of a permanent resident in the household of the customer and executes an Agreement to pay for the service. The postponement of disconnection shall be continued for one additional ten (10) day period upon the furnishing of an additional medical statement.
- B. The Utility shall not disconnect service to the customer:
 - 1) Upon customer's failure to pay for the service rendered at a different metering address, residence or location unless such bill has remained unpaid for at least forty-five (45) days.
 - 2) Upon customer's failure to pay for services rendered to a previous occupant of the premises to be served, unless the Utility has good reason to believe the customer is attempting to defraud the Utility by using another name and/or I.D.

RULE 11. PERMANENT DISCONNECTIONS

In order to reduce the potential of leakage from the Utility's distribution system, when water service is no longer needed at a service address, City Utilities Water Maintenance and Service Department shall disconnect the service from the distribution main supplying it, and the expense for said disconnection shall be borne by the property owner and/or developer as outlined in the latest revision of the Utility's "POLICY AND PROCEDURE FOR WATER SERVICE DISCONNECTIONS – BUILDING DEMOLITIONS", which is, by reference, incorporated herein.

RULE 12. RESALE OF WATER PROHIBITED

The water or service furnished under these rules is for the use of the customer on his own premises. He shall not resell any water or service without the written consent of the Utility.

RULE 13. INCREASE IN LOAD

The service connections and meters supplied by the Utility have definite capacities; no substantial addition to the water consuming equipment or appliance connected thereto should be made except after written notice to and written consent by the Utility.

RULE 14. INTERRUPTION OF SERVICE

The Utility shall not be responsible for damages or for any failure to supply water service or for interruption of the supply of water, or for defective piping on the customer's premises, or for damages resulting to a customer or to third persons from the use of water or the presence of the Utility's devices on the customer's premises.

ARTICLE IV - SERVICE CONNECTIONS

RULE 15. WATER MAIN EXTENSIONS

The Fort Wayne Water Utility requires a party or parties, firms and/or corporation(s) to pay for the cost of the extensions required to adequately serve them with water for domestic, commercial and/or fire protection. This policy intends to place the cost of installation of local water mains upon the owners of the properties benefited. Such main extension(s) shall be made in accordance with the latest revisions of the Utility's WATER MAIN EXTENSION POLICY, which is by reference incorporated herein.

RULE 16. DEFERRED PAYMENT

Persons tapping into a water main extension shall be required to pay their pro-rata share of the construction cost; that portion reimbursable to a previous contributor of the main extension may, by written agreement, be collected by the Utility, together with the Utility's share of the cost reimbursement, if any, and shall be forwarded to the person entitled thereto.

The Director of the Utilities of the City of Fort Wayne may, from time to time, issue policies establishing the procedures to carry out the intent of this Article.

In order to provide a temporary water service to a property that is not served by a water main, the Utility may enter into a TEMPORARY SERVICE AGREEMENT with the property owner.

Prior to providing temporary water service, the owner must execute a document provided by the Utility which specifies that the owner or assigns will participate in the installation costs if a public water main is extended to the property, will assume all expenses associated with installing the temporary service and/or tapping into the new main, and waives the right to remonstrate against a petition project that proposes to extend water service along the frontage of the affected property.

RULE 17. SERVICE CONNECTIONS

- A. For properties not currently served with City water, or those desiring additional service, application should be made to the New Water & Sewer Permit Office. Determination of availability and all costs, including assessments, availability fee and tap fees, and any other applicable fees shall be made depending upon location and size of service requested. All fees shall be satisfied prior to service installation. Tap fees include the installation of service from the water main to and including the curb stop, except in cases of taps four inches (4") and larger (see Rule 17-C of these General Rules and Regulations). Installation of the service from the valve to the building is the sole responsibility of the property owner. The property owner shall assure all necessary permit and/or inspection requirements are satisfied through the Allen County Building

Department. Final inspection and approval from the Building Department is required prior to the installation of a water meter by the Utility. The Water Resources Department may at City Utilities' sole discretion, under certain circumstances, execute special agreements for supplying water to properties not adjacent to a City water main as described in the WATER MAIN EXTENSION POLICY.

- B. The Utility reserves the right to determine the placement of each service connection so the curb stop shall, as a general rule, be located between the present or proposed sidewalk and the curb, or at such other location that shall, in the judgment of the Utility, provide a safer, more convenient or more satisfactory location for the curb stop and curb box.
- C. Except as outlined in the DEVELOPER INSTALLED WATER TAPS POLICY, the Utility shall furnish the labor, equipment and materials for, and install or cause to be installed, the service connection, which includes the tap in the main, the curb stop and box and that portion of the service pipe between them. The customer shall pay the Utility for the cost of such service connections installed or caused to be installed by the Utility. For regular three-quarter inch (3/4") through two-inch (2") services totally installed by the Utility, a standard price shall be charged. For three-quarter inch (3/4") through two-inch (2") services requiring longer than usual runs or runs made in congested areas and for services four-inches (4") and larger, the actual or estimated cost of the service connection shall be charged.
- D. The customer, at his own expense, shall install or cause to be installed the private portion of the service pipe beyond the curb stop and into his own premises. The Utility and Allen County Building Department Plumbing Inspector reserve the right to inspect each service run made by a plumber, a contractor or an individual customer, for proper materials and depth of service before the service trench is backfilled. City Utilities and the Building Department must be informed when the work is completed so an inspection may be performed prior to backfilling. If notice is not provided, the property owner may be required to uncover the work so the inspection may be performed. Additionally, the quality of materials and workmanship in the private portion of the service shall be the customer's responsibility, but must comply with State Plumbing Code and the Utility's specifications and standards as outlined in the City Utilities Development Criteria/Standards Manual.
- E. Service pipes three-inches (3") and larger in diameter shall be disinfected and tested in accordance with ANSI/AWWA C651-99, or latest revision, at the customer's expense, before the water supply to such service pipes is turned on for usage. The customer or the contractor shall perform the disinfection and testing of such service pipes. Results of bacteriological testing carried out per ANSI/AWWA C651-99, or latest revision, shall be reported in writing to the Water Resources Department of the Utility by a laboratory qualified to make such an analysis and acceptable to the Utility.
- F. As a general rule, water service shall be furnished through a single service pipe to only one property or address. Where a single property consists of several units or buildings, and is served by a single service pipe, the property owner has the option of valving and

metering each unit or building separately, in which case a separate curb stop must be provided, outside the building and accessible to the Utility, for each metered unit or building. If the situation is exceptional, requiring special consideration, the Utility may make such arrangements, as the circumstances require.

- G. In a case where a service has been installed prior to the adoption of and not in accordance with these General Rules and Regulations, where water is being taken through a single curb stop to supply two or more units, buildings or premises, each property owner benefiting from such arrangements shall be responsible for the payment of his own water bills and all other legitimate charges. For billing purposes, the account(s) must remain in the name of the property owner(s).
- H. Where a "two-on-one" water service exists, and the Utility has experienced problems in enforcing shut-off policies because one customer keeps their account current and the other customer is in a delinquency status or wishes to terminate the account, the Utility has adopted the following policy, specifically:
- 1) In the event that one customer served becomes delinquent, the Utility shall ascertain the location and status of water services.
 - 2) If it is determined that a "two-on-one" service exists, and curb boxes can be located within public right-of-way, and if the Utility can install separate curb stops and boxes on each branch of the service, the cost of labor and materials shall be borne by the Utility.
 - 3) It is specifically not the function of the Utility to determine which customer shall be required to install the curb stops and boxes or new taps and service lines. Unless and until such required items are installed so the Utility has access to each curb stop within a public right-of-way serving each separate customer, the Utility shall not be required to provide water service through any curb stop through which more than one customer receives water.
 - 4) If separate curb stops and boxes cannot, in the opinion of the Supervisor of the Water Maintenance Department, be installed in public right-of-way, the Utility shall have the authority to order property owners to separate the "two-on-one" service by installing separate curb stops and boxes, or by having installed a new tap and service installed to the properties. Such order shall be sent to the property owners by certified mail, return receipt requested, along with a copy of this Rule.
 - 5) If the property owners fail to respond to the Utility via a letter of intent within ten (10) days of the certified notification, the Utility may terminate water service to all affected customers, in accordance with Rule 9 of these General Rules and Regulations. The Utility shall then separate the "two-on-one" water service, or have the separation made, after notifying the property owners in writing of the decision to do so. Such notification will be sent to the property owners by certified mail, return receipt requested.

- 6) When the Utility separates the "two-on-one" service, or has the separation made, City Utilities shall have the authority to charge the affected property owners for the total cost of the service separation. Billing for the separation will be rendered to the affected property owners by City Utilities.
- 7) In the event the "two-on-one" serves a multi-unit building, City Utilities shall require all billing accounts to be kept in the property owner's name until separate curb stops and boxes are installed. City Utilities also reserves the right to order appropriate measures on an individual basis according to the situation.
- I. All service lines three inches (3") and larger in diameter, shall be ductile iron pipe or PVC pipe; all service lines less than three inches (3") in diameter shall be type "K" copper with brass fittings and valves from the curb stop to the meter. No service pipe shall be less than three-quarters of an inch (3/4") nominal diameter (except as outlined in the DEVELOPER INSTALLED WATER TAPS POLICY), and all service lines shall be installed with minimum of four feet (4') of cover.
- J. Service, curb stops, service boxes, meter pits, stop and waste valves and other fixtures used in the installation of, repairs to or additions to service shall be of a type and quality approved by the Utility. The material and supplies of any manufacturer, which are in accordance with the Utility's materials standards, may be used.
- K. A new service between the distribution main and a building shall be run in a direct line, whenever it is practicable and possible, without bends and at a depth of not less than four feet (4'). Service shall not be laid in the same trench with sewers or any other conduit unless approval has been given, in writing, the Utility's Water Resources Department.

RULE 18. MAINTENANCE OF SERVICE PIPES AND METER BOXES

- A. The service connection and its fixtures from the water main to and including the curb stop or service valve shall be maintained in good repair at the expense of the Utility, including replacement of necessary parts because of damage, corrosion, tuberculation, or other deterioration. However, if replacement is made necessary due to increased demand by the customer, such replacement shall be at the customer's expense.
- B. The service and its fixtures from the curb stop or service valve into the property served, the meter excepted, shall be maintained at the expense of the customer or owner of the property, and any leaks or other defects in the same shall be promptly repaired by him. A service line or private main extended to a property not adjacent to a Utility water main, whether extended through public or private property, shall be maintained by the customer or owner, unless such line or main has been accepted in writing for maintenance by the Utility. If needed repairs are not made to such service line or private main within five (5) days after written notification by the Utility, the customer or property owner may be charged a set fee, approved by the IURC, per day for each day following the said five (5)

day period of grace that the water leak or other defect is allowed to continue. The Utility shall also have the power and authority to make such repairs as necessary to protect the Utility upon owner's failure or refusal to do so within the five (5) day period. The Utility shall have the authority to seek reimbursement from the owner for the work, including court costs and attorney fees incurred through collection proceedings.

- C. All meter boxes (including so called pits or vaults) constructed or installed by the owner, regardless of location, and any such boxes if constructed or installed by the Utility at its option, and located on private property shall be maintained in good repair by the owner, at his expense. If an approved, frost-proof meter box located within a public right-of-way is installed by the Utility, the Utility shall maintain such box at its expense. However, the Utility shall not maintain the piping leading to and from such meter box, except the piping between the water main and the curb stop, as referred to in paragraph A above. No meter boxes shall be approved for location within a public right-of-way.

RULE 19. FROZEN MAINS AND SERVICES

- A. When a distribution main is found to be frozen, the Utility shall thaw, at its own expense, the service pipes connected with the part of the main that is frozen.
- B. At the request of any customer, the Utility may agree to make an investigation (excluding any excavating) and inform the customer of any conditions found upon the premises which might occasion the freezing of a water service and advise him of the steps necessary to remedy such condition. A charge may be levied for such investigation.
- C. If the Water Maintenance and Service Department deems the service cannot be lowered to protect from freezing, the Utility shall average the customer's unit consumption during specified winter months when sub-zero temperatures occur.

RULE 20. INSIDE PIPING AND SERVICE LINES

- A. Each applicant for service shall, at his own expense, equip his main supply line with a suitable shut-off valve or valves just inside the foundation wall and shall provide all piping and attachments, all of which shall be assembled, installed and maintained by him, subject to the approval of any authorized inspectors and in accordance with the General Rules and Regulations of the Water Utility then in force.
- B. Each three-quarter inch (3/4") service line shall have a compression type stop and waste valve on the inlet side of the meter. Each one-inch (1") or larger service line shall have gate shut-off valves on both the inlet and outlet side of the meter.
- C. Service lines of larger sizes and/or services that supply special equipment may require special valving and fitting arrangements. See Rule 34 of these General Rules and Regulations.

RULE 21. CROSS-CONNECTIONS AND BACKFLOW

- A. No cross-connections or conditions that may potentially permit the backflow of contaminants and/or pollutants from a customer's piping system into the public water distribution system shall be permitted. Piping systems within the customer's premises shall conform in all respects to the latest revision of the Indiana Administrative Code, the Indiana Department of Environmental Management Cross Connection Control and Backflow Prevention Manual, and the City Utilities Design Standards Manual, which are incorporated herein by reference, and shall comply with Chapter 52 of the Fort Wayne Code of Ordinances.
- B. Backflow prevention devices installed on the customer's service line shall be located downstream of the Utility's meter and/or the meter by-pass line. The device shall be installed horizontally and at a height of between 12" and 60" above the finished floor elevation, with the exception of a double check valve installed in a pit or other belowgrade installation.
- C. Backflow prevention devices are to be tested upon installation and periodically thereafter per 327 IAC 8-10 and Chapter 52 of the Fort Wayne Code of Ordinances.
- D. Copies of all test reports on backflow devices are to be submitted to the Utility or its designated agent.

RULE 22. BOOSTER PUMPS

- A. No booster pump shall be installed, taking its suction or supply from the Utility's water distribution system, without the written approval of the Water Resources Department of the Utility.
- B. In all booster pump installations, the suction of the pump shall be connected to an atmospheric tank with City water flow entering the tank being controlled by an automatic float valve and freely discharging into the tank two pipe diameters, or a minimum of six-inches (6"), above the positive overflow level of the tank.
- C. As an alternate, a suitable control valve that shall limit the suction pressure of the pump to a minimum of twenty (20) psig may be installed, if approved in writing by the Utility's Water Resources Department. Such control valves shall be maintained at all times, at the expense of the customer, to ensure proper and continuous operation.

RULE 23. ACCESS TO PREMISES

- A. Properly authorized representatives of the Utility shall have the right to enter upon premises of the customer at all reasonable times for the purpose of inspecting and/or

testing cross-connection protective devices, atmospheric tank installations, booster pump vacuum breaker valves, and general plumbing, as well as for the purpose of reading, inspecting, repairing, testing, removing, relocating or replacing the meter or meters used in connection with the 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. The Utility may provide a meter-reading schedule that delineates tentative days of the month set aside for reading of said customer's district. The schedule of reading dates may be mailed to customers annually or may be made available in the Customer Relations Department or Meter Reading Department of the Utility.
- C. Utility personnel shall not be required to go upon premises deemed unsafe due to the existing condition or circumstances at the property.

If the Utility representative deems the repair work or testing would be unsafe due to existing conditions 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 for Utility personnel. Failure to complete the necessary repairs shall result in discontinuance of service.

- D. For customers with meters larger than one-inch (1”), in addition to discontinuance of service for the customer's failure to provide the Utility access for regular meter readings, and after a period of six (6) months without a read, the Utility may at its option, require the customer to install a remote reading device to insure future reads. The failure of the customer to provide the Utility access for such installation shall be grounds for discontinuance of service. Arrangements with the Utility for installation of said device shall be made within ten (10) days after notification of such required installation.

ARTICLE V - METERING

RULE 24. METERING

- A. Unless otherwise specified in the contract between the Utility and the customer, or by the tariff on file, all water supplied shall be measured by a meter or meters of standard manufacture, furnished and installed by the Utility according to the requirements of the Utility in force and effect at that time. The customer shall provide, free of expense to the Utility, a suitable place near the service entrance either in the basement, in an approved meter box, or in another location approved by the Utility for installation of the meter.

- B. In most cases, the Utility shall designate the size and type meter to be used for serving each customer. Each building to be served directly from the main must be supplied by at least a three-quarter inch (3/4") service. When the service is larger than this, the Utility reserves the right to designate the number of meters that can be supplied by such service. Should the customer request that a meter larger than that recommended by the Utility be installed, the customer shall pay any additional costs incurred.

- C. A by-pass around all new meter installations shall be required under any of the following circumstances, where:
 - 1) The service line on the outlet side of the meter is one and one-half inches (1 1/2") or larger with the exception of irrigation services;
 - 2) The service line, regardless of size, serves refrigeration equipment or the water supplied is used for the purpose of cooling equipment; or
 - 3) The water service must not, for any other reason, be interrupted while the meter is being repaired or replaced.

The by-pass shall be furnished and installed by the customer according to the Utility's specifications, and must remain closed and sealed at all times. Where existing piping not containing a by-pass is altered to meet any of the above conditions, the alteration shall also include the installation of a by-pass. The Utility reserves the right to order that the by-pass be removed for reasons including misuse by the customer.

- D. All meters or other appliances and equipment which are furnished by and at the expense of the Utility, and which may at any time be on the customer's premises, are and shall remain the property of the Utility unless otherwise expressly provided herein. The customer shall protect such property from freezing and from loss or damage and no one who is not a representative of the Utility shall be permitted to remove such property or tamper therewith. The customer shall be liable and responsible for all damages to such property.

E. Meters may require repair from time to time, in which case the following procedures may be employed:

- 1) Ordinary repairs to meters shall be made by the Utility without expense to the customer. The customer or representative of such shall sign a work order indicating that service has been provided and that current reads have been verified. Failure or refusal to sign the work order shall not negate any charges incurred.
- 2) Meter repairs and/or replacement necessitated through customer neglect or negligence shall be charged to the responsible customer/property owner. Where a frozen meter must be replaced and such is not discovered until after the utility account has been finalized, the new party desiring service may be held responsible for the cost of the repair or replacement.

F. A meter shall be tested for accuracy by the Utility if the customer requests it. The Utility shall advise the customer to first investigate the premises for other reasons for excessive water usage before requesting removal of the meter for a shop test. If leaks are found or if the meter test establishes the accuracy of the meter to be between 98% and 102%, the Utility may charge the customer for making the investigation and/or the test in accordance with IURC approved fees. Upon request, the customer may have a representative present when the investigation is made and/or the meter is tested.

Such testing shall not be made more frequently than once in twelve (12) months, unless the customer has abnormally high billings or other unusual, unexplainable circumstances. A report of the results of the meter shop test shall be kept by the Utility.

G. The Utility shall place seals on all water meters and by-passes, in and for any premises, and replace such seals found broken or removed. Meter coupling locks may be installed at the option of the Utility. The water supply may be turned off if such seals are found to be broken or removed. If such seals are found broken or removed, or the meter itself is found to have been tampered with or removed, the Utility shall charge the customer three (3) times the average consumption for customers of that class, for the period for which it is determined what usage was not metered, or six (6) months, whichever is less. Further, in such circumstances the customer may be prosecuted for theft of City Utilities property and services in accordance with Fort Wayne Code of Ordinances, Chapter 52.01.

H. Where water is taken through one meter servicing a multi-unit dwelling, the Utility shall require the owner of the real property to maintain the billing in the owner's name.

I. The Utility will attempt to obtain at least one (1) inside read biannually. Failure of the customer to cooperate in obtaining this read shall absolve the Utility of this obligation and financial responsibility for any meter problem that could have been discovered. A reading obtained from an Automatic Meter Reading (AMR) unit is considered to be the same as an inside read for purposes of this item.

RULE 25. NEW CONSTRUCTION

- A. All new dwelling units constructed within the service area of the Utility shall be prewired by the building contractor with eighteen (18) gauge three (3) conductor copper transmission wire, as a part of the construction costs of the new dwelling unit. At such times as the customer, his building contractor or appropriate subcontractor orders the water service connection for the new dwelling unit, a reasonable fee shall be charged by the Permit Office, in addition to the costs of the water service connection, to compensate the Utility for its expenditures for labor, materials, and/or equipment to install at the appropriate location in the new dwelling unit a water meter with a remote meter reading unit. In the event the Utility is requested but unable to install a remote meter due to the customer, building contractor, or appropriate sub-contractor's failure to prewire in accordance with the latest revision of the Utility's Policy and Procedure for Installation of Remote Meter Reading Units in All New Residences Supplied by the Fort Wayne Utility, a service charge shall be assessed for each subsequent trip until such time as prewiring conditions are corrected per Utility Policy and Procedures.
- B. Such installations shall be in accordance with the latest revision of the Utility's Policy and Procedure for Installation of Remote Meter Reading Units in All New Residences Supplied by the Fort Wayne Water Utility, which is by reference made a part of the General Rules and Regulations, the same as if printed herein.
- C. Upon initiation of the installation of radio transmitters, the above paragraph A shall no longer be applicable.

RULE 26. REMOTE METER READING DEVICES

All requests for new residential water service shall include the installation of a remote reading device. The property owner may choose to have their plumber prewire for this installation but it is not required that they do so.

The failure of any customer to provide the Utility access for such installation within ten (10) days after notice shall be grounds for discontinuance of service.

No remotes shall be located inside fences of existing or new premises. Relocation shall be required if a fence is constructed after remote is installed.

Upon initiation of the installation of the radio transmitters, Rule 26 shall no longer be applicable.

ARTICLE VI - BILLING

RULE 27. ESTABLISHMENT OF RATES

The Common Council of the City of Fort Wayne establishes the rates and charges for the use of and the services rendered by the Utility, subject to the approval of the Indiana Utility Regulatory Commission.

These rates generally are based upon consumption expressed in "units" and measured in cubic feet. A "unit" is 100 cubic feet of water, which equals 748 gallons.

Each customer (user) shall pay a monthly service charge in addition to usage charges calculated under the metered rate schedule most recently approved by the Indiana Utility Regulatory Commission.

A copy of the schedule of all fees/rates and charges discussed herein is available from the Customer Relations Department located on the 2nd floor of the City-County Building.

RULE 28. BASIS FOR MONTHLY BILLING

- A. All charges for water usage, other than for unmetered fire service or other special purposes, shall be calculated upon the registration of the meter(s) installed, which registration shall be prima facie evidence of the amount of water used.
- B. The Utility shall collect meter readings from the meter, radio transmitter or remote reading device each month. Should the radio transmitter or meter fail to send a read or indicate that tampering has occurred, the customer shall be billed on an estimated basis until the problem has been resolved.

For the purposes of estimating a read, the Utility will use the customer's average previous consumption to determine the estimated usage for the period. If the customer has no consumption history, six (6) units will be charged each month until an actual reading is obtained. Following the first new estimated reading thereafter, the account may be adjusted to charge for the actual consumption.

- C. The City may require that a remote reading or electronic device be installed where access to the meter is not available and billings continue to be based upon estimated readings, or for such reason as determined by the Utility.
- D. Where water is taken through more than one (1) meter, and where such arrangement is for the convenience of the customer, then each meter shall be read and billed separately. Where water is taken from a single premises through more than one (1) meter for the convenience of the Utility, then the meter readings shall be aggregated and billed as one reading.

- E. All water passing through meters shall be charged for, whether used, wasted or lost through leakage.
- F. The Utility shall not be bound by bills rendered under a mistake of fact as to the quantity of water service rendered.

RULE 29. ESTIMATED BILLINGS

It is the practice and policy of the Utility to attempt to collect reads and render billings on a monthly basis. Billings based on estimated consumption shall be due and payable to the same effect as bills rendered on actual reads. Late charges assessed on estimated as well as actual reads shall not be refundable or pro-rated in any manner.

Non-payment disconnects and terminations shall be based on failure to pay bills for services, whether based on actual or estimated reads, without distinction.

RULE 30. STATEMENT CONTENTS AND REQUIREMENTS

- A. Bills rendered to customers for water service shall show at least the following information:
 - 1) The service dates at the beginning and end of the period for which the bill is rendered and the billing date;
 - 2) The number and kind of units of service supplied;
 - 3) The customer classification;
 - 4) The tariff code, if any;
 - 5) The previous balance, if any;
 - 6) The amount of the bill;
 - 7) The date on which the bill is due, the date on which the bill becomes delinquent and the amount due after a late charge has been assessed;
 - 8) A clear coding or other indication identifying the meter reading type codes for the previous and current month's readings;
 - 9) An explanation of all codes and/or symbols on the bill.

RULE 31. PAYMENT

- A. Bills shall be rendered monthly. If a bill is not paid on or before the due date indicated on the bill (approximately 20 days after the bill is mailed to the customer), the customer shall be considered delinquent. If a customer is delinquent and the past due balance is not paid in full on or before the date specified in a notice to the customer, the customer's water service shall be subject to disconnection.
- B. RETURNED CHECKS
Checks returned for "No Funds Available" purposes shall be subject to the fee that the banking institution charges to City Utilities plus an administrative charge as approved by the IURC for the account(s) affected.
- C. Failure to receive a bill shall not affect the right of the Utility to turn off and discontinue service for non-payment as above provided.
- D. An agreement to pay may be executed between the Utility and an approved representative of the customer at the sole discretion of the Utility in order to avoid disconnection of service or in other special circumstances.
- E. After receiving notification of a pending disconnection, but before the order for termination is effected, the customer may personally come into the office and sign an agreement delineating the terms under which payment shall be made.
- F. At the time of the execution of a Long-Term Payment Agreement with a term of two (2) months or more, the customer must agree to pay all future service bills as they become due. Failure to fulfill the terms of the Long-Term Payment Agreement shall make the same null and void; and the total unpaid past due amount, together with any associated service charges related thereto, shall become due. Failure to comply with the conditions of the Long-Term Payment Agreement may result in discontinuance of service without further notice.
- G. To qualify to enter into a Long-Term Payment Agreement, the customer must not have entered into and breached a similar agreement with the Utility during the last twelve (12) month period.
- H. Disputing the accuracy of a bill shall not be a valid reason for non-payment or partial payment of a bill by the customer, and shall not stay the accrual of finance charges on the delinquency. The customer may pay a bill under protest thus giving written notice that redress is being sought. Such written notices must be filed with the Utility's Customer Relations Department Manager prior to the due date of the bill.
- I. All water charges follow the customer rather than the property. If a customer moves from a premises where water service has been supplied, such customer shall be held responsible for the payment of all bills rendered for the service supplied to said premises until legal documentation of property ownership change, or proof of the new customer's identity and date of transfer has been provided to the Customer Relations Department of

the Utility. If the Utility shall determine that a service address has experienced customer(s) with excessive uncollected billings over a two (2) year period, the Utility will only approve a contract for water service that has been executed by the property owner(s).

- J. Moving from one location to another in no way absolves the customer from any unpaid charges incurred at a previous location. A customer's service may be discontinued for failure to pay any unpaid charges due, regardless of the premises with respect to which the charges were incurred.
- K. Transfer of the property by contract or assignment does not absolve the customer from any charges until the customer has given proof of such transfer. This proof must be acceptable to the Utility.
- L. Any sum that the Utility is ordered to refund for utility service, which has remained unclaimed for seven (7) years after the Utility has made diligent efforts to locate the person who made such deposit or the heirs of such persons, shall be presumed abandoned and treated in accordance with the laws of this State (Uniform Disposition of Unclaimed Property Act, Indiana Code 32-9-1.5)

RULE 32. ERRORS AND ADJUSTMENTS

- A. Adjustment Due to Meter Error. If a meter is found to have a percentage error greater than that allowed by the Indiana Utility Regulatory Commission, the following procedure for the adjustment of bills shall be observed:
 - 1) Faster Meters. When a meter is found to have a positive average error (i.e. - is fast, in excess of two (2) percent) the Utility shall refund or credit the customer's account with the amount in excess of that determined to be an average charge for one-half of the time elapsed since the previous test, or six months, whichever period is shorter. This average charge shall be calculated on the basis of units registered on the meter over corresponding periods either prior or subsequent to the period for which the meter is determined to be fast. No part of a service charge shall be refunded.
 - 2) Stopped or Slow Meters. When a meter is stopped or has a negative average error (i.e. is slow in excess of two (2) percent) the Utility may charge the customer an amount estimated to be an average charge for one-half of the time elapsed since the previous test, or six months, whichever period is shorter. This average charge shall be calculated on the basis of units registered on the meter over corresponding periods either prior or subsequent to the period for which the meter is determined to be slow or stopped.
- B. Adjustment Due to Stuck or Slow Remote Reading Device. Whenever it is discovered that a discrepancy exists between the amount of usage registered by a customer's water meter and the corresponding remote reading device, the reading obtained from the meter

shall control. If the customer owes City Utilities for usage not previously billed, accommodations shall be offered to allow the user time to pay the balance due, after any necessary adjustments have been made as follows:

In determining the appropriate amount to be charged for that usage registered by the meter but not captured by the remote reader, an effort shall be made to identify the onset of the problem from the customer's usage history. If this can be pinpointed to a reasonable degree of certainty, the excess number of units shall be pro-rated back on a monthly basis to that date. Billing adjustments shall be calculated by making appropriate corrections to reflect the utility rates and taxes in effect at all relevant times. If the approximate date of original error cannot be ascertained, these adjustments shall be made back to the date of the most recent inside/meter read or the date the meter/remote reader pair was set. However, in no case shall the customer be billed for more than two years usage, whether actual or calculated.

- C. All billing errors, including incorrect tariff applications, shall be adjusted to the known date of the error or for a period of six (6) years, whichever period is shorter.
- D. In the event any property is found to be connected to the water service mains of the Utility without payment of all charges and fees required, service shall be disconnected unless and until a service contract shall be entered into, a deposit, if required under Rule 6, shall have been paid, and appropriate curb stop, box and meter shall have been installed. The user of the service shall be back-billed for the period of use, and may be charged with theft of service or defrauding the Utility.
- E. Any person aggrieved by any determination or billing hereunder may request, and shall be granted, an Administrative Appeal in accordance with Rule 38 of these General Rules and Regulations. No request for an administrative appeal shall, however, serve to permit the customer to receive, or require the Utility to supply water, without payment of all sums billed and deposits required. In the event that the customer shall prevail upon administrative appeal, all monies paid under this Rule shall be refunded except deposit and all monies determined to be owing.

RULE 33. COLLECTIONS, LATE CHARGES AND DELINQUENCY

- A. The Utility may bring a civil action to recover any delinquent charges together with interest at the statutory rate, the costs and disbursements of said action, reasonable attorney fees and any other remedy prescribed by law.
- B. All bills for water services not paid on or before the due date indicated on the bill shall be subject to a one-time collection or deferred payment charge of 10% on the current delinquent charges.

RULE 34. SPECIAL PURPOSE WATER

A. Upon request by a customer, the Utility may approve the use of Special Purpose Water, and the following procedure shall be used:

- 1) All Special Purpose Water needed for commercial construction or projects shall require a meter to be installed to measure the amount of water used.
- 2) A set-up charge for installing, removing, testing, repairing the meter and invoicing of the water shall be made for those accounts established for less than a three month period and/or those set on fire hydrants. The set-up charges shall differentiate between 5/8" through 1" meters and 1-1/2" through 3" meters, as set out on the Utility's schedule of fees, rates and charges.
- 3) All water used shall be invoiced at the standard rate schedule.
- 4) The customer shall assume the liability for damage to or theft of all Utility property. The customer shall notify the Utility when service is no longer required and request removal of the meter by the Utility.
- 5) In no instance shall the Utility allow the customer to cross streets with hoses or piping. Hosing of water from one premises to another shall require prior written approval of the Utility and a release of liability from both parties.
- 6) Requests for residential construction water may require the installation of a water meter or other arrangements made through the Utility which action shall initiate service described in Article III herein and shall be billed accordingly.
- 7) All meters installed shall be billed to the initiating customer until the Utility receives notice to discontinue the same.
- 8) Operation of a Utility fire hydrant or curb stop by any unauthorized person for the purpose of obtaining construction water without written permission from the Utility shall subject the user to penalty as outlined in Rule 8-F of these General Rules and Regulations.

B. Bulk water may also be provided at certain locations approved by the Utility. Attending staff shall monitor the bulk water loads, and provide written documentation to the Utility for billing of water used, in accordance with the Utility's standard rate schedule.

RULE 35. IRRIGATION METERS

Upon request from the customer, City Utilities shall activate irrigation meter accounts and shall terminate them upon request. Customer, or representative of legal age, may be required to be present to activate service, for which a fee shall be charged.

Each user shall pay a monthly service charge based on meter size, in addition to usage charges calculated under the metered rate schedule. The service is available, whether used or not. If a customer should not wish to be billed for the service availability, or if the irrigation meter is not in use, it is the responsibility of the customer to contact the Customer Relations Department of the Utility to have the billing suspended and/or the meter blocked.

The Utility shall obtain actual meter reads at turn-on and turn-off. All turn-ons and turn-offs must be done only by Utility personnel.

RULE 36. PRIVATE FIRE PROTECTION SERVICE

- A. The entire private fire protection service on a customer's premises shall be subject to inspection and tests by the Utility at such times as it is deemed necessary.
- B. Before any modifications are made to any private fire protection system or before service is furnished to any new private fire protection system connected to or proposed to be connected to and supplied with water from the Utility's distribution mains, the owner of the private fire protection system, or his contractor or engineer, shall file final plans of such fire protection system with the Utility and receive approval. The following shall be included in the final plans:
 - 1) The number of sprinkler heads to be served;
 - 2) The sizes and location of the system's piping;
 - 3) The sizes and locations of all connections to the Utility's distribution mains;
 - 4) The sizes, locations and types of all valves;
 - 5) The sizes and locations of all hose connections, reels and/or cabinets;
 - 6) The sizes and locations of storage tanks connected to the fire system;
 - 7) The outlet sizes and locations of all fire hydrants; and
 - 8) The type and location of all approved backflow prevention assemblies.
- B.1 New Service. The owner of the private fire protection system, or his contractor or engineer, shall provide certification to the Utility that the system has been disinfected and tested in accordance with ANSI/AWWA C651-99, or latest revision. Results of bacteriological testing carried out per ANSI/AWWA C651-99, or latest revision, shall be reported in writing to the Utility by a laboratory qualified to make such an analysis and acceptable to the Utility.

- B.2 Existing Service Modification. Modifications to or extensions of existing private fire protection systems may be supplied with water from the existing system without disinfection or testing provided that the change does not require a new tap or a modification of an existing tap. If the system is to be supplied with water from a new tap, or if a change in tap size or location is required, disinfection and testing in accordance with ANSI/AWWA C651-99, or latest revision, shall be required for the private fire service modification or extension. Disinfection and testing of the tap will be required per the applicable sections of these General Rules and Regulations.
- C. All fire protection lines within buildings must be installed in such a manner that all pipes shall be easily accessible for inspection at any time. Underground pipes outside of buildings must be placed and maintained at a minimum depth of four feet (4').
- D. No connection with a fire protection system shall be permitted to supply water for general purposes unless the connection has been approved by the customer's fire underwriter and unless the general-purpose water is metered. If such a connection is approved, both the fire protection line and the general purpose line shall be separately valved outside the building to be served in accordance with the Utility's specifications, thus permitting either line to be turned on or off without affecting the other.
- E. A private fire protection system without a tank shall be equipped with an alarm valve and a double check valve assembly backflow preventative device on the incoming line and a single check valve on the Fire Department connection. A system with a tank shall have one alarm valve and a double check valve assembly backflow preventative device, the double check valve assembly to be located on the main service pipe(s) supplying fire protection to the property. A system containing antifreeze shall have a reduced pressure principle backflow preventer.
- F. An unmetered private fire service is furnished for the sole purpose of supplying water for the extinguishment of accidental fires and use of water from such a service connection for any other purpose is absolutely forbidden. Any violation of this provision shall be considered theft of Utility property and services and shall subject the offender to the penalty provided in the Fort Wayne Code of Ordinances and to a bill for the estimated quantity of water so used.
- G. Hydrants and other fixtures connected to a private fire service connection may be sealed by the Utility and such seal shall be broken only in case of fire or as specifically permitted by the Utility. The customer must immediately notify the Utility when any such seal is broken.
- H. Where a service tap on a Utility distribution main provides water for both fire and general purposes to a customer or customers, separate charges shall be made for each purpose to each customer by the Utility in accordance with the established rules and schedule of rates.

- I. A private fire service, at the option of the customer and after approval by his fire underwriter, may be connected to his metered water service. The monthly charge for such combined fire and general-purpose uses shall be as set out in the established scheduled rates. Any additional investment cost incurred by the Utility in such metering must be paid by the customer; maintenance of such meter shall be at the Utility's expense.
- J. Whenever a private fire system is to be tested under the regulations of the fire service underwriters, the customer shall notify the Water Resources Department of such proposed test, naming the day and the hour when same is to be made so that, if it desires, the Utility may have a representative present for the test.

37. WATER RATIONING EMERGENCY

Upon the use of 50% of the available capacity of Hurshtown Reservoir and following the notice of a water rationing emergency, customers of the Fort Wayne Water Utility shall be limited to water use in accordance with the following Excess Use Charge Schedule:

EXCESS USE CHARGE SCHEDULE

- 1) Fort Wayne Water Utility User Consumption shall be limited to not more than 70% of the average volume of water consumed by that user during the months of March and April of the current year.
- 2) No Water Utility customer shall be required to use less than five (5) units per month (5 units per month equals 3,740 gallons per month).
- 3) In the event that the user was not served by the Fort Wayne Water Utility, an average base use, by customer class, shall be determined from the average use during the months of March and April of the current year of all customers within each class.
- 4) For the purposes of these General Rules and Regulations, all users other than residential users shall be classified as commercial users.
- 5) Commercial users without a prior history of March-April consumption from the current year shall be limited to not more than 70% of the average monthly volume of water used during the months said commercial water user was in business and a user of the Utility.
- 6) The amount of water consumed by each user, which exceeds the established quota, shall be billed by the Water Utility at ten (10) times the amount of consumption at the original rate step of the Utility's current rate schedule.
- 7) The declaration of a water rationing emergency shall constitute an emergency as described in Rule 9 of these General Rules and Regulations, which gives the Utility

authorization to disconnect service for any unauthorized use, as determined by the Utility.

- 8) Concurrent with a rendering of a billing for any excessive usage, Utility shall issue a "warning." Said warning shall serve as notification to the user that should subsequent billings exceed the established base, termination of service may be imposed. Service shall be restored according to Rule 9 of these General Rules and Regulations.
- 9) Should termination of service occur due to violation of the Water Conservation Ordinance, service shall be restored after payment of a Special Reconnection Fee of \$50.00, which shall be in addition to any other charge normally assessed according to the established General Rules and Regulations.
- 10) Any person aggrieved by any determination by the Utility may request and shall be granted an administrative review and appeal as provided in Rule 38 of these General Rules and Regulations.

ARTICLE VII - APPEALS

RULE 38. ADMINISTRATIVE REVIEW AND APPEALS

- A. In any event that the Utility shall determine to deny service (under Rule 3), to require a deposit (under Rule 6), to terminate or disconnect service (under Rule 9, Rule 17, or Rule 23), the Utility shall give written notice of such determination.
- B. The Utility may impose service charges, charges for water service, delinquency and late charges, and charges for labor and materials. The rendering of a bill shall be deemed notice of such charge.
- C. Any person aggrieved by any charge or determination by the Utility may request and shall be granted an Administrative Appeal.

The customer shall first discuss the determination with a Customer Relations Representative.

If the matter is not resolved to the customer's satisfaction, the customer shall discuss the determination with the Manager of the Customer Relations Department.

If the dispute is not resolved to the customer's satisfaction, the facts concerning the dispute shall be submitted in writing to the Manager of the Customer Relations Department. Upon receipt of the customer's request, the Manager of the Customer Relations Department will schedule a hearing.

The Director of Utilities shall designate a hearing officer who shall conduct, as soon as practicable, an informal hearing to determine and resolve the dispute. The determination by such hearing officer shall be final and shall constitute the final administrative determination. The hearing shall be electronically recorded. A transcript of the hearing shall be provided at the cost of \$1.00 per page.

The hearing officer shall render a decision at the close of the hearing, or within 60 days thereafter whenever possible.

A party or person aggrieved by the final administrative determination shall have the right to judicial review of such determination in accordance with and pursuant to the provisions of Indiana Code 4-21.5-5 et seq.

ARTICLE VIII - RULES

RULE 39. PRESENT RULES SUPERSEDE ANY PRIOR RULES

All General Rules and Regulations heretofore promulgated by the Utility governing the services supplied by the Utility are superseded and replaced by the foregoing General Rules and Regulations and/or other Regulations referred to herein and thereby made a part hereof.

RULE 40. ENFORCEMENT OF RULES

- A. The remedies provided to the Utility in these General Rules and Regulations shall not be exclusive and shall be in addition to any other remedies, which the Utility has at law or in equity.
- B. The power to enforce the provisions of these General Rules and Regulations is vested in the Director of Utilities or his designee.

RULE 41. AMENDMENTS AND REVISIONS

The Board of Public Works of the City of Fort Wayne, Indiana, may, by appropriate action, amend, modify, delete, change or otherwise revise these General Rules and Regulations as it may deem to be desirable and/or necessary.

APPROVED by the Board of Public Works in its regular meeting on February 12, 2003.

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

Greg Meszaros, Chairman

John Suarez, Member

Denise Porter-Ross, Member

ATTEST: _____
Carolyn S. Newport, Clerk

**POLICY OF THE FORT WAYNE BOARD OF PUBLIC WORKS REGARDING
PUBLIC AND PRIVATE WATER SYSTEM INFRASTRUCTURE
AND EXTENSION OF WATER MAINS**

This document establishes the policy of the Fort Wayne Board of Public Works regarding public and private water system infrastructure and extensions of water mains.

Extensions to the water mains of the public distribution system are completed by capital improvement programs of the utility, through the petition process where property owners initiate and provide funding for the extension, or through contracts with private developers.

1. DEFINITIONS

Assessment – an amount of money levied against a parcel of real estate as a pro rata share of the total cost of a water main extension.

Assessable Frontage – That frontage of a property, in lineal feet or fractions thereof, for which an assessment may be collected.

Benefited Property - A lot that is adjacent to an existing or proposed public main.

Board – The Board of Public Works of the City of Fort Wayne, Indiana.

City – City of Fort Wayne, Indiana.

Contract, Oversizing – a contract between the Board of Public Works and a developer whereby the Board agrees to bear the costs associated with oversizing the main extension beyond the required size of the base main to serve water needs of the real estate to be developed.

Contract, Private Developer – a contract between the Board of Public Works and a developer whereby costs associated with the installation of a water main extension are borne by the developer.

Contract, Reimbursement – a contract between the Board of Public Works and a developer whereby owners of property not sharing in the original cost of the water main extension and desiring to tap into the main extension for the purpose of obtaining water within a period of fifteen (15) years from the date of the acceptance of such extension shall be required to pay a fair and proportionate share of the original cost of the extension according to the method set out in the contract.

Developer – A person, corporation, or similar entity that enters into a Water Main Extension contract with the Board of Public Works and constructs a water main.

Distribution System – A network of water mains and appurtenances that deliver potable water from the Three Rivers Water Filtration Plant to the user.

Frontage – That portion of a lot that is parallel to or curvilinear to and immediately adjacent to a public water main in a public street, thoroughfare or easement.

Lot – A parcel, tract or area of land described in a deed or plat that is recorded in the office of the Allen County Recorder.

Lot, Corner – A parcel of real estate abutted on more than one side by a public right of way or public water main.

Lot, Through – A lot having frontage on two parallel or approximately parallel streets.

Main, Local – A water main which, from its size and character, is designed and intended to supply water needs, with adequate volumes and pressures, only for properties abutting the street, alley, easement or other public land or subdivision in which the main is placed but which is not designed and intended to feed collateral mains necessary to supply non-abutting properties or to transmit water to other areas.

Main, Transmission/Feeder – Water mains designed and intended to feed into collateral mains necessary to supply non-abutting properties or to transmit water to other areas.

Notice of Main Extension (NOME) – A notice given to record owners of real estate that a newly constructed public water main, financed all or in part by the Utility, is available to provide water service to the property upon payment of an assessment to the Utility.

Petition Project – A water main extension project developed based on the Board of Public Works' receipt of a petition signed by a majority of the affected property owners in the project area requesting such extension.

Private Main – A privately owned pipe connected to the Utility's distribution system and used to deliver water:

- a) For private fire service purposes; and/or
- b) For general service purposes, service rendered through such private main shall be billed directly by the Utility in accordance with established rates unless otherwise provided by written contract.

Private Water System – A water distribution system, serving a specific area, constructed, operated and maintained by an entity other than Fort Wayne City Utilities.

Property, Partially Developed – Any lot that has an existing water tap and is proposed to be further divided or developed.

Property, Undeveloped – Any lot that does not have a water tap.

Thoroughfare – Collector and arterial streets as defined in the Code of Ordinances of the City of Fort Wayne.

Utility – The Division of City Utilities of the City of Fort Wayne, Indiana.

2. PUBLIC UTILITY INFRASTRUCTURE

Water

Water main extensions should typically be constructed as “public” with the intention that the water mains and other appurtenances will become part of the public water distribution system upon completion and acceptance by the Board of Public Works. Water system extensions should be made part of the public utility for future operation, maintenance, and repair when any one or a combination of the following conditions exists:

- The main extension may provide a future opportunity for overall system improvement to the Utility, i.e. looping, system expansion, etc.
- The main extension is proposed to be located within a public right of way or an approved, dedicated or platted easement of sufficient width to permit maintenance functions.
- The main extension will provide water service to unserved real estate and/or upon a further extension thereto, could provide service to additional areas in the future.
- The main extension could provide economic development opportunities.
- The property or properties proposed to be served by the water main extension will have multiple ownerships, or there is a distinct possibility the served property will be subdivided or multiple ownerships may exist in the future.
- The main is being constructed or paid for (fully or partially) with Utility or other public funds.

All public water main extensions shall comply with:

- General Rules and Regulations of the Fort Wayne Water Utility
- The Utility’s Development Services and Engineering plan review and approval processes, and all appropriate fees must be paid.
- Fort Wayne City Utilities Design Standards Manual
- Indiana Department of Environmental Management (IDEM) rules & regulations

Public water main or water system extension processes include:

- Plans will be prepared according to the standards and specifications of City Utilities and submitted to Development Services for review.
- The water main extension plans must be prepared by a registered professional engineer employed by the developer.
- Construction of a water main extension shall not commence until all plans have been reviewed and approved by the Utility through its Development Services department. Once plans are approved, the water main extension shall be constructed in accordance with the approved plans.
- A contract shall be executed between the Utility and the developer who is funding the main extension project and shall include provisions under which the water main extension will be accepted by City Utilities for future ownership, operation, maintenance, repair and replacement.
- Construction shall be inspected and overseen by City Utilities Engineering representatives.
- All testing and quality control processes are completed and overseen by City Utilities Engineering.
- Upon completion of construction and inspection by the Utility, the developer shall provide a completion affidavit and maintenance bond.

- Upon finding the project to be acceptable and in full compliance with the standards and specifications of the Utility, the Board of Works will issue a Letter of Acceptance to the developer and all rights, title, and interest in the water system shall be transferred to and remain in the City of Fort Wayne.

3. PRIVATE UTILITY INFRASTRUCTURE

Water

The Utility may, at its sole discretion, determine that a **PRIVATE MAIN EXTENSION** should be constructed rather than a public main when any one or a combination of the following conditions exists:

- The main extension will provide service to only the real estate served by the extension and there is no physical possibility or anticipated need for the main to be extended to serve adjacent property.
- The configuration of the proposed extension within a development is such that (i) there is insufficient space provided for required easements or for the usual and customary maintenance activities associated with public mains, or (ii) if the main is to be located within a street, the street is not being constructed to City standards and is not intended to become part of the City’s transportation system.
- The main extension would not provide the opportunity for overall public system improvement.
- The land to be served by the water main extension will use a master meter at the point of connection to the public main.
- The mains will not be located within public rights of way.

Plans for private water main extensions are prepared and submitted to Development Services as part of a site plan or development plan review and approval process.

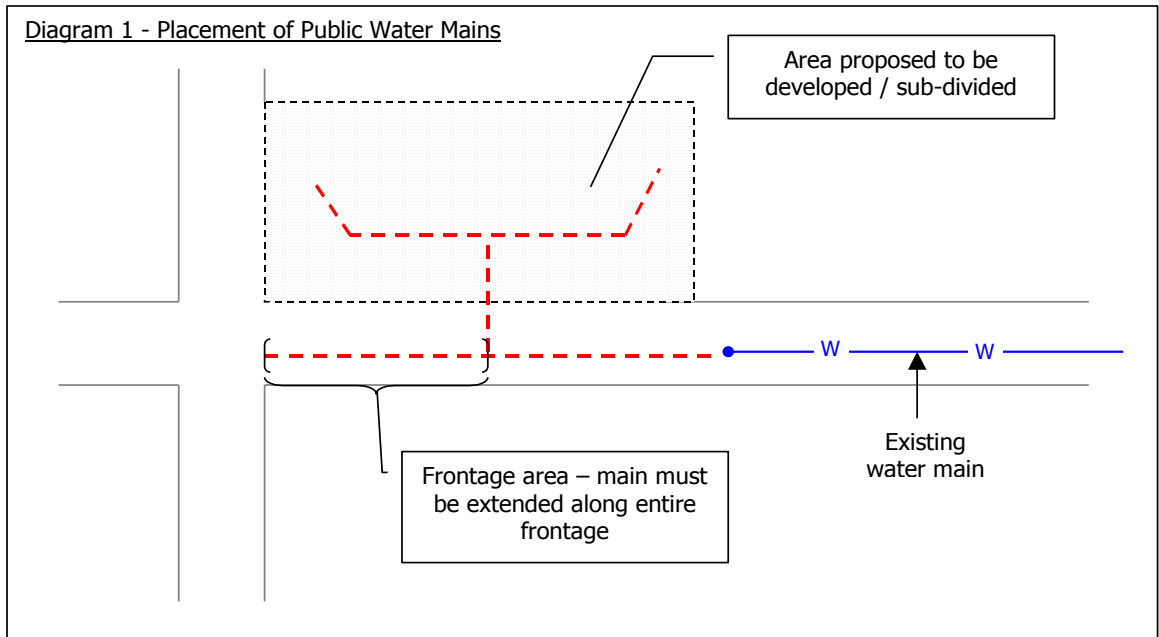
- Development Services will review the main extension plans and calculations to determine if the proposed sizing will provide adequate flow and pressure for fire-fighting.
- The Utility will work with the developer to determine the appropriate size master water meter.
- Private water mains must comply with any applicable backflow prevention installation and annual testing requirements.

4. PLACEMENT OF PUBLIC WATER MAIN EXTENSIONS

The Utility shall not have an obligation to approve the location of a water main extension in any location other than in a public street right of way.

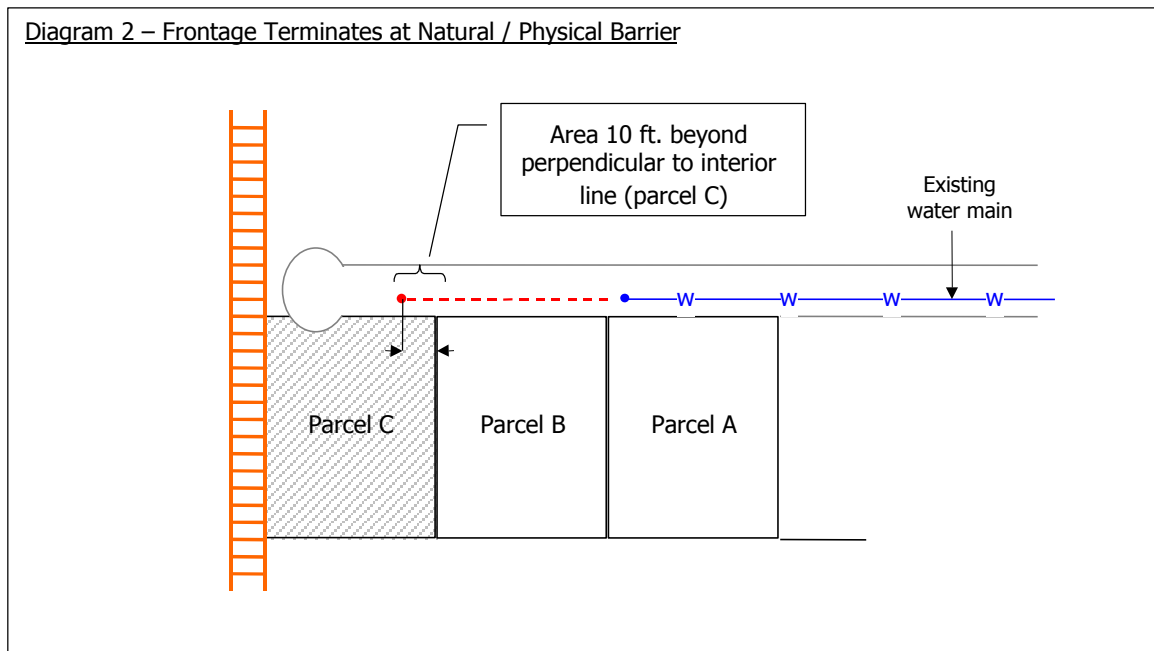
- In its sole discretion and if unusual circumstances so warrant, the Utility may approve the installation of a local or feeder main within an easement or right of way granted to the Utility where installation of the main in a public street right of way is impracticable and installation of the main in an easement will, in the Utility’s engineering judgement, benefit the distribution system.
- In reaching such a determination to allow the location of a main in a location other than a public street right of way, the Utility shall consider the potential isolation of property from water service and fire protection, the existing and proposed land use and geographic features of isolated properties.

A public main extension shall be extended within the right of way or approved easement across the entire frontage of the parcel to be served. See Diagram 1.



When the frontage terminates at a railroad, water course, or other physical barrier which would preclude the further extension of the main, the following guidelines shall apply:

- In those instances where further extension of a main is limited by a physical barrier, the extension may terminate at the point where the most remote service connection would be made, or to a point ten (10) feet beyond and perpendicular to the lot line across which the extension was made. See Diagram 2.
- The Board shall have the authority to waive the aforementioned requirements in instances where the objective of the requirement is met by an alternate extension of the public main.



If the frontage abuts an intersecting street, the terminal point of the extension shall be located so that the main to be installed connects to the existing main at the intersecting street.

- If there is no existing main at the intersecting street, the extension shall be extended to the right of way of the intersecting street at a point where a future main could be connected without difficulty.

All main extensions shall be a minimum of six (6) inches or larger in diameter and shall be installed immediately adjacent to all property to be served by the main unless the Utility determines there is no reasonable possibility that such installation will be required to eliminate a dead end main or materially improve the flow characteristics of the system.

Cost Responsibility for Water Main Extension

All costs associated with a water main extension shall routinely be paid by the proponent of the main extension, by the developer or, in the case of petitioned main extensions, by the property owners adjacent to the extension.

Allocation of Water Main Extension Costs

Petition Projects – The cost of a main extension is allocated among the owners of the benefited property as herein defined.

- Individual property assessments are based on an assessable unit. The assessable unit and related cost, as determined by the Board of Public Works, may be a dimension of front footage, a defined area, or other identifiable element used to determine the allocation of costs among the benefited properties.
- Property assessment for projects which are funded through the provisions of the Barrett Law are based on an assessable unit and payments are determined by the City Barrett Law office. For those projects not qualified for Barrett Law funding, the property assessment is calculated and payable prior to beginning the project.

City Utilities' Water Main Extension Projects – A portion of the cost of a City Utility Water Main Extension Project may be allocated among the owners of the benefited property as herein defined.

- Individual property assessments are based on an assessable unit. The assessable unit, as determined by the Utility, may be a dimension of front footage, a defined area, or other identifiable element used to determine the allocation of costs among the benefited properties.
- The property assessment is payable at the time an application is made for a permit to tap into the main.
- Any property owner not sharing in the original cost of the extension and who wishes to tap into a main extension within a period of fifteen (15) years from the date of the recordation of the Notice of Main Extension shall be required to pay a fair and proportionate share of the original cost of the extension, according to the method set out in the Notice of Main Extension.

Private Developer Contracts – All costs associated with the construction of a private developer are borne by the private developer unless the contract is an oversizing or reimbursement contract as herein defined.

Private Developer Reimbursement Contracts – Any property owner not sharing in the original cost of the extension and who wishes to tap into a main extension for which there was a reimbursement clause within

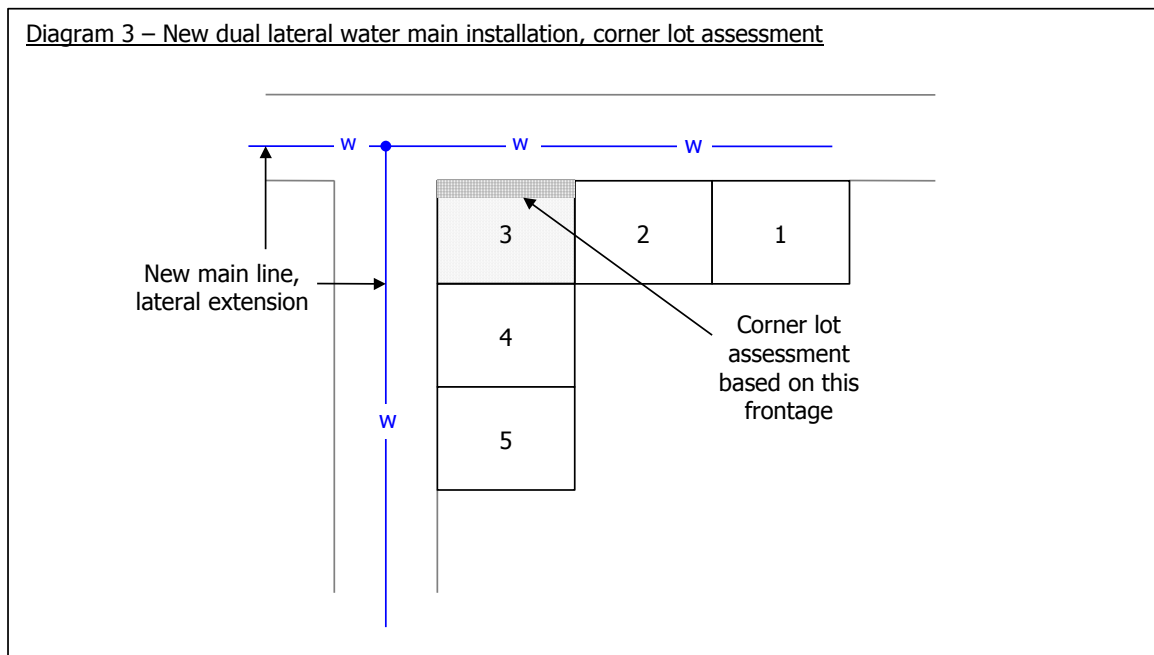
a period of fifteen (15) years from the date of the acceptance of such extension shall be required to pay a fair and proportionate share of the original cost of the extension according to the method set out in the contract.

- The funds will be collected by the Utility and refunded equitably to the party(s) previously sharing in the cost of the extension according to the method set out in the contract.

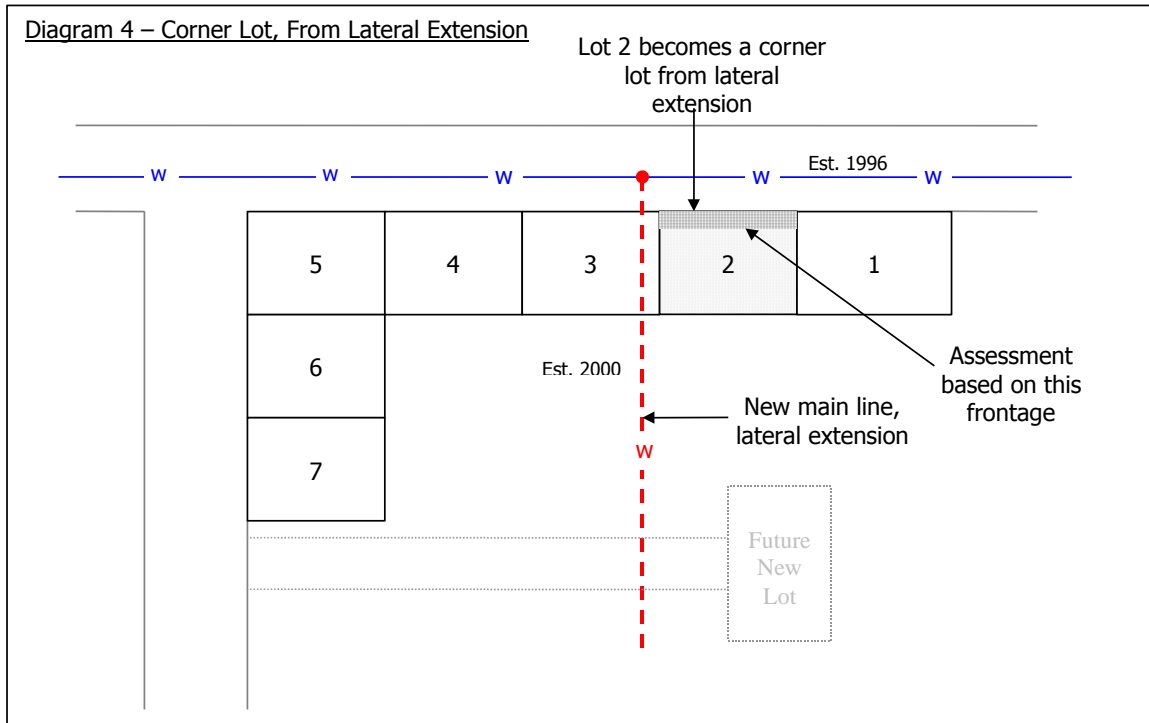
Private Developer Oversizing Contracts – The Utility, upon acceptance of the main extension by the Board of Public Works, will reimburse the developer according to the terms of the contract an amount of money to pay for oversized the main beyond its base size.

Corner Lots, Determination of Assessment and Reimbursement – Where water mains exist on at least two sides of a corner lot, the assessment calculation will be based on the length of frontage of the property abutting the first main installed

- The assessment will reimburse the party who installed the aforementioned first main line provided there is a valid reimbursement contract in effect at the time the tap is requested.
- Where mains were installed on both frontages of a corner lot simultaneously or as a part of a single project, the assessment shall be calculated according to the longer side of the lot.



- On corner lots where a public main existed on one frontage prior to the installation of a main on the second frontage, there shall be no reimbursement payable on the second frontage.
- In the event a corner lot, as defined herein, is created by a lateral extension from an existing main, the Utility will not permit a new service for the corner lot unless the reimbursement provisions for corner lots are followed.



Extensions of Mains – The Utility may add or allow additional extensions to an existing water main without incurring any financial obligations to the developer of the existing main that is being extended.

5. ACCEPTANCE OF PRIVATE INFRASTRUCTURE INTO THE FORT WAYNE DISTRIBUTION SYSTEM

The Utility may, at its sole discretion, recommend acceptance of a private water main or private water system into its public distribution system when all of the following conditions exist:

- A public purpose will be served by the acceptance of the private mains.
- The affected property owners have petitioned the City to accept the existing private system as part of the public distribution system. The percentage of owners who must agree and the mechanism by which they make a decision to petition shall be as set forth in the subdivision plat and covenants, neighborhood association by-laws or other document governing how decisions are to be made by the petitioners. Where such document does not exist, at least 51% of the affected property owners must agree and provide documented evidence of their desire to have City Utilities accept the private infrastructure for public ownership and future operation, maintenance, repair and replacement.
- The private mains are located within a public right of way or an easement of a width acceptable to the Utility, making the mains easily accessible for maintenance. If the mains are not located within public right-of-way or dedicated easements acceptable to City Utilities, the following conditions must be met:
 - Right-of-way plats are developed by a Professional Surveyor with the cost of such plat preparation to be paid by the petitioners and the plats are reviewed and approved by City Engineering and accepted by Board of Works; or

- Easement plats are developed by a Professional Surveyor with the cost of such plat preparation to be paid by the petitioners and the plats are reviewed and approved by City Utilities Engineering, accepted by Board of Works, and recorded.
- Documentation exists, and is available for review by the Utility, showing that the water mains and appurtenances were constructed in accordance with the Utility's specifications and materials standards in effect at the time of the private water system construction. This documentation could include:
 - Record Drawings of the private water system within the affected area based on inspection done at the time of installation and certified by a Professional Engineer
 - If the private water system was not inspected by City Utilities during installation, the petitioner must provide documentation from a Professional Engineer who has inspected the system certifying that, based on his/her inspection, the private water system meets the Utility's specifications and materials standards. Documents provided to the Utility must accomplish the following:
 - Confirm the location of the private mains and other appurtenances that are the subject of the petition, which includes, at a minimum, GPS mapping of all infrastructure
 - Confirm the materials used in constructing the private water system, confirm condition of the asset and perform testing as necessary to provide such confirmation. City Utilities Engineering should be on-site to observe these activities which may include:
 - Digging up private mains (minimum of one location per run/branch of pipe)
 - Providing water sample data confirming water quality
 - Inspection reports of appurtenances, structures and equipment to document compliance with the Utility's standards and local codes, if these exist
- Petitioners have provided any existing maintenance and repair records for the private infrastructure in question.

The process for acceptance will generally include:

- Review and approval by Development Services of all submitted information
- Correction of any deficiencies noted in materials/installation by petitioner
 - All work should be inspected by City Utilities Engineering
- Recommendation to Board of Works from City Utilities that some, all or none of infrastructure being petitioned be accepted as part of the public system.
- Acceptance of the infrastructure by the Board of Public Works.

6. FEES

Development Services will assess and collect fees for plan review and inspection services based on the amount of staff time required to investigate petitions for acceptance of private utility infrastructure. All fees are non-refundable and must be paid prior to any investigation by the Utility.

7. TEMPORARY SERVICE CONNECTIONS

In order to provide a temporary water service to a property that is not served by a water main, the Utility may enter into a TEMPORARY SERVICE AGREEMENT with the property owner.

- Prior to providing temporary water service, the owner must execute a document provided by the Utility which specifies that the owner or assigns will participate in the installation costs if a public water main is extended to the property, assume all expenses associated with installing the temporary

service and/or tapping into the new main, and waive the right to remonstrate against a petition project that proposes to extend water service along the frontage of the affected property.

In approving a Temporary Service Agreement, the Utility shall weigh the following factors:

- There are fewer than two temporary services beyond the terminus of the public main.
- Easements are provided for the temporary service across property not owned by the party to receive the benefit of temporary service or the service is permitted to be located in a public right of way.
- The maximum length of the service line does not exceed 250 feet.
- An extension of a public main to serve the property is unreasonable due to the unavailability of a public right-of-way or easement.
- The Director of the Utility has determined a documented financial hardship or other extenuating circumstances exist that precludes the property owner from extending the public main.

8. APPEAL PROCESS

Any party aggrieved by an order or determination of Development Services or the Board of Public Works under this policy may, within fifteen (15) days after notice of the order or determination is provided, appeal such order or determination to the Board of Public Works by filing a petition seeking such appeal with the Clerk of the Board of Public Works. The petition should state the basis of such appeal, including the alleged error in the order or determination. After receipt of such petition, the Board of Public Works or its designated hearing officer, after due and proper notice to all parties, shall hold a hearing on said petition and at the conclusion thereof or within thirty (30) days thereafter, enter a decision either affirming, denying, revising, amending, altering, or modifying such order or determination as the Board of Public Works, by majority vote, shall so rule. A party or person aggrieved by the outcome of the appeal shall have the right to judicial review of such determination in accordance with and pursuant to the same provision of the Indiana Administrative Adjudication Act (4-21.5-5 *et seq.*) as are applicable to appeals and review of decisions of agencies of the State of Indiana.

**POLICY AND PROCEDURE FOR
WATER SERVICE DISCONNECTIONS
BUILDING DEMOLITIONS**

Demolition of residential and/or commercial buildings as a result of condemnation of structures or the redevelopment of areas, change of use, or increased demand for water supply, necessitates the establishment of a policy and procedure to disconnect water service connections and/or water service pipes, as appropriate, in a reasonable and proper manner. Failure to make such disconnection may result in unwanted leakage from the water mains and the loss of potable water, unnecessary saturation of localized ground areas with water, and/or the potential of contamination of the distribution system of the Fort Wayne Water Utility. Therefore, the following policy and procedure is hereby adopted:

I. DEFINITIONS:

CORPORATION STOP or TAP is a fitting owned by the Utility and inserted in the distribution main to which the service pipe is attached.

CURB STOP is a fitting inserted in the service pipe near the curb or main for turning on an shutting off water at the premises supplied.

DISTRIBUTION MAIN is a pipe owned by the Utility, located in a street, easement, road, right-of-way and/or alley, and used to deliver finished water.

PREMISES (OR PROPERTY) is a dwelling, building or structure or parcel of real estate which is normally supplied through a separate pipe and meter installation.

TWO-ON-ONE SERVICE is a water service that has one tap in the water main and one pipe leading to one curb stop from which two or more customers receive service.

UTILITY is the Fort Wayne Water Utility, a department within the division of City Utilities of the City of Fort Wayne, Indiana, having its principal office at One E. Main Street, City-County Building, Fort Wayne, Indiana, and engaged in furnishing the public water supply in the City of Fort Wayne and its environs.

WATER SERVICE CONNECTION is that portion of pipe, $\frac{3}{4}$ " through 2" in size, situated between and including the tap and the curb stop, which is installed by City Utilities or a contractor and maintained by City Utilities after the expiration of any applicable maintenance bond.

WATER SERVICE VALVE is a tap into the distribution main for services 3” and larger in size.

II. POLICY STATEMENT:

- A. A water service connection or water service valve no longer required for usage due to known redevelopment of land areas or individual properties, for a property where no known use has been established, or due to change of use and/or increased demand, shall be disconnected from the water distribution main supplying it and shall be abandoned in accordance with the disconnection procedures established hereafter. The expense for disconnection and abandonment shall be borne by the property owner and/or developer of the property served by such service connection(s).
- B. Maintenance of water service connections, including all fittings and piping between the distribution main and the curb stop, once initially installed by the Utility or a by a contractor whose maintenance bond has passed its expiration date, will be maintained in a usable condition by and at the expense of the Utility. The Utility will maintain such water service connections in accordance with the Fort Wayne Water Utility General Rules and Regulations, approved and adopted by the City of Fort Wayne Board of Public Works. Such maintenance will be accomplished by repairing or replacing faulty fittings or piping, reasonably at the same location and same size as when originally installed, except for service connections that may be damaged.

In cases where the service connection is damaged, the party responsible for the damage shall be required to reimburse the Utility for the cost of repairs to such damage.

If a property owner or developer elects to change the location of the service connection or service valve, such person or firm shall be required to pay the cost to install the new water service connection or valve at the desired new location, and shall be required to pay the cost for the Utility to abandon the existing water service connection or water service valve, as outlined in Item II A, above.

III. DISCONNECTION PROCEDURES FOR THE ABANDONMENT OF WATER SERVICE CONNECTIONS:

- A. Disconnection Specifications/Requirements – When buildings are to be demolished, the instituting department, agency, commission or other governmental body, or property owner, or developer shall include in its specifications and conditions the requirement that all water service connections shall be permanently disconnected at the distribution main by the Utility.
- B. The cost to permanently disconnect a water service connection or valve at the distribution main is herein established as the price of a new ¾” short service installation in accordance with the Water Utility’s current non-recurring charges rate schedule, along with any applicable right of way permits needed, as established by the Board of Public Works. Said cost includes material, labor and equipment hours needed to perform the disconnection. This established cost shall be paid to the Utility’s New Water and Sewer Permit office prior to the abandonment of the water service connection or valve being performed.
- C. The Utility’s Water Maintenance and Service Department shall perform the permanent disconnection of the water service within thirty (30) days from the date payment for this service is received.

Prior to the permanent disconnection of the water service, Water Maintenance and Service will determine whether or not the water service connection to be abandoned is a “two-on-one” service. If a water service connection serves more than one structure, Water Maintenance and Service shall leave the service connection intact for any other structure not being demolished and served by the same service connection. The service line branch feeding the structure to be demolished shall be permanently cut and capped by Water Maintenance and Service, or by a private contractor, on the property where the structure is to be razed, without interruption of service to the remaining structures being served by the same water service connection.

- D. When emergency demolition is ordered by the City of Fort Wayne’s Department of Neighborhood Code Enforcement, the Utility’s Water Maintenance and Service Department shall, upon notification of said emergency demolition, abandon the water service connection at the distribution main within ten (10) working days from the date of notification.

Neighborhood Code Enforcement shall be billed for the permanent disconnection of a water service connection by the Utility’s General Accounting Department, in accordance with the cost set forth in Item III B, above.

**RESOLUTION REVISING THE
WATER SERVICE DISCONNECTIONS
BUILDING DEMOLITIONS
POLICY**

Resolution No. 90-47-15

WHEREAS, the Water Service Disconnections Building Demolitions Policy was adopted by the City of Fort Wayne Board of Public Works in 1977;

WHEREAS, it is necessary to rewrite the Water Service Disconnections Building Demolitions Policy in order to provide direction and guidance on issues that have evolved over the past 25 years which directly affect the Fort Wayne Water Utility's distribution system;

NOW THEREFORE, be it resolved by the Board of Public Works for the City of Fort Wayne, Indiana, that the Water Service Disconnection Building Demolitions Policy of the Fort Wayne Water Utility be replaced with the attached document.

This Resolution shall become effective on

RESOLUTION No. 71-76-21

WHEREAS, the Water Utility does assume the responsibility for the maintenance and operation of the water service line from the water main up to and including the curb stop, according to its General Rules and Regulations, Rule 10, page 11, approved June 3, 1981, and

WHEREAS, the Water Utility has attempted to reduce the installation expense for ¾" to and including 2" water services by installing the tap only and permitting others to install the water service line from the water main to the curb stop, and

WHEREAS, this installation procedure has been permitted on a trial basis for several years, and

WHEREAS, the Water Utility has experienced, as a result of this procedure, both the installation of unacceptable materials and the lack of the submitted required records to operate and maintain these water service lines efficiently and effectively.

NOW, THEREFORE, BE IT RESOLVED, that effective immediately the practice of installing a water tap only be permanently discontinued and, henceforth, the Water Utility shall install all water taps and service lines, ¾" to and including 2" in size, from the water main up to and including the curb stop.

Approved by the Board of Public Works of the City of Fort Wayne, Indiana on this 23 day of September, 1981.

BOARD OF PUBLIC WORKS

Thomas W. Latchem, Chairman

Roberta Anderson Staten, Member

Betty R. Collins, Member

ATTEST:

Sandra E. Kennedy, Clerk

Board of Public Works

Greg Meszaros, Chair

Denise Porter-Ross, Member

John Suarez, Member

ATTEST: _____
Carolyn S. Newport, Clerk

APPROVED as to form and legality:

James Howard, Attorney for City Utilities and
The Board of Public Works