

**RESOLUTION OF THE BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE, INDIANA APPROVING
AMENDEMENTS TO THE FORT WAYNE WATER UTILITY
GENERAL RULES AND REGULATIONS**

Resolution No. # **109-1-11-22-2**

WHEREAS, the City of Fort Wayne, Indiana (“City”) owns and operates a municipal waterworks (the “Fort Wayne Water Utility”) in accordance with I.C. § 8-1.5 *et al.*

WHEREAS, the Fort Wayne Water Utility has promulgated general rules and regulations (“Rules and Regulations”) to govern the operation of the Fort Wayne Water Utility, which Rules and Regulations are approved by the Fort Wayne Board of Public Works; and

WHEREAS, the Rules and Regulations describe standards for determining creditworthiness and charging deposits; and

WHEREAS, the Fort Wayne Water Utility desires to ensure consistency in the application of the referenced procedures in the determination of creditworthiness and assessment of deposits; and

WHEREAS, the Board of Public Works finds that the proposed amendment(s) in this Resolution are in the best interest of the Fort Wayne Water Utility and the City as a whole.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE AS FOLLOWS:

SECTION 1. That Rule 4, Section A. is hereby deleted in its entirety and all subsequent sections within Rule 4 are renumbered accordingly.

SECTION 2. Rule 4, Section B. (which will be renumbered to Rule 4, Section A. based on the deletion of the current Rule 4, Section A) shall be deleted and replaced with the following:

The Utility will determine the creditworthiness of all Customers in an equitable and nondiscriminatory manner. Any new residential or nonresidential Customer will be deemed non-creditworthy if any of the following applies: (i) the Customer has three (3) delinquent payments, two (2) consecutive delinquent payments, or has had service discontinued for nonpayment within the immediately preceding twelve (12) months with respect to services provided by the Utility; (ii) the Customer’s credit rating is B+ or below for S&P or B1 or below for Moody’s; or (iii) the Customer is categorized as non-creditworthy by a commercial reporting service using factors identified by said service or the Utility. For purposes of this rule, a new Customer does not include a Customer who changes its corporate name or corporate structure or an existing Customer who establishes a new account.

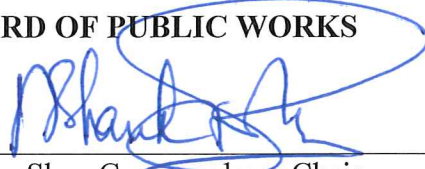
SECTION 3. All other sections in Rule 4 shall be renumbered as described in Section 1 hereof and shall remain as currently written.


SECTION 4. Any and all actions taken in furtherance of the foregoing resolution are hereby ratified, confirmed and approved in all respects.

SECTION 5. The Rules and Regulations, as amended by this resolution, shall take effect upon publication on the Fort Wayne Water Utility website.

APPROVED THIS 11 DAY OF January, 2022

BOARD OF PUBLIC WORKS

BY: 
Shan Gunawardena, Chair

BY: 
Kumar Menon, Member

BY: 
Chris Guerrero, Member

ATTEST: 
Michelle Fulk-Vondran, Clerk

**FORT WAYNE WATER UTILITY
GENERAL RULES & REGULATIONS**



CITY UTILITIES
WATER THAT WORKS

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,
October 12, 2021, and January 11, 2022

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GENERAL RULES AND REGULATIONS

These Fort Wayne Water Utility General Rules and Regulations (hereinafter referred to as “Rules and Regulations”), as amended and supplemented from time to time, shall govern all water service rendered or to be rendered by the Fort Wayne Water Utility, shall be binding upon every Customer, and shall constitute a part of the terms and conditions of the Customer’s receipt of water service. It is understood that these Rules and Regulations are adopted for the safe, economical and efficient construction, management and operation of the Fort Wayne Water Utility in accordance with Ind. Code § 8-1.5-3-4.

The following policies are specifically incorporated by reference into these 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
- Temporary Water Meters: Terms and Conditions

ARTICLE I - DEFINITIONS

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

APPLICANT means any Person, including an individual, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity, applying for water service (e.g., a prospective Customer).

CITY-OWNED SERVICE LINE for services 2” and smaller, the City-Owned Service Line is the portion of Service Pipe situated between and including the Tap and the Curb Stop, which is installed by the Utility or a contractor, owned by the Utility, and maintained by the Utility.

CURB STOP for services 2” and smaller, a Curb Stop is a fitting inserted into the City-Owned Service Line in the right-of-way near the property line, which is used for turning on and off water to the Premises supplied or to be supplied with water.

CUSTOMER is the Person responsible for paying the rates, charges, and fees assessed for the services provided by the Utility as determined from the records on file with the Utility.

CUSTOMER-OWNED SERVICE LINE is the portion of Service Pipe owned by the Customer through which water is supplied to the Customer’s Premises from the Water Main. For services 2” and smaller, the Customer-Owned Service Line is situated between the Curb Stop and the Meter. For services larger than 2”, the Customer-Owned Service Line is the entire Service Pipe from the Water Main to the Meter.

DESIGN STANDARDS MANUAL is a document that provides guidance and requirements for the planning, design, and construction of utility infrastructure, whether owned by the Customer or the Utility. The Design Standards Manual contains definitions of terms that may vary in degree of technicality from the definitions contained in these Rules and Regulations. In the event of a conflict between any definitions in this document and those contained in the Design Standards Manual, the definitions in the Design Standards Manual shall control.

INDIANA UTILITY REGULATORY COMMISSION (“IURC”) is the state regulatory agency empowered with the ultimate authority to approve rates and charges assessed and collected by the Utility.

METER is a device owned by the Utility 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 or her 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.

MONTHLY SERVICE CHARGE is a fixed charge assessed to each Customer to recover costs such as administrative costs associated with billing and payment processing and a portion of the Utility's operation and maintenance expense, debt service, and capital improvement plan. The Monthly Service Charge is based on the size of the meter as set forth in the rate tariff approved by the IURC.

MULTI-ON-ONE CONNECTION is a connection involving a single Curb Stop that controls two or more Premises, addresses, or units with separate water meters. If water service is turned off at the Curb Stop for a Multi-on-One Connection, all Premises, addresses, or units that receive water service through the Curb Stop will be affected.

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

OWNER designates the Person holding the deed or record title to a Premises. Subject to the terms of these Rules and Regulations, a contract purchaser is considered an Owner of the Premises being purchased.

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.

PREMISES means a dwelling, building, structure or parcel of real estate that is supplied with water.

PRIVATE DISTRIBUTION SYSTEM is a network of Private Mains and other privately-owned appurtenances that receives potable water from one or more connections to a Water Main and delivers such water to all of the units and buildings located on the Premises. Common examples of Customers that have a Private Distribution System include mobile home communities and strip malls.

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

PRIVATE MAIN is a Water Main owned and operated by a private person(s), company or other non-public entity.

REMOTE READING DEVICE is a device that works in conjunction with the Meter that assists the Utility in obtaining reads of the volume of water consumed by a Customer without having to access the Meter. Bills are regularly calculated based on the monthly readings from the Remote Reading Devices. Provided, however, in the event of a Remote Reading Device failure or inconsistency between the data obtained from the Remote Reading Device and data obtained directly from the Meter, the data obtained directly from the Meter shall take precedence.

RESIDENTIAL means the class of customers occupying single-family houses, apartment homes, and other residential rental properties. **NON-RESIDENTIAL** means all other classes of customers, including, without limitation, commercial, industrial, and multi-family residential properties operated for profit (e.g., entire apartment complexes and mobile home communities).

SERVICE PIPE is a water supply line connecting a Premises directly to the Utility's Water Main. For services 2" and smaller, the Service Pipe is composed of two-components: the City-Owned Service Line, which is the portion of pipe between the Tap and the Curb Stop and the Customer-Owned Service Line, which is the portion of pipe between the Curb Stop and the Meter. For services lines larger than 2", the entire Service Pipe between the Water Main and the Meter is owned by the Customer.

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

TEMPORARY WATER is water usage that is temporary in nature and does not follow normal Meter installation and billing procedures. Temporary Water is typically associated with construction projects or special events.

TAP or CORPORATION STOP is a fitting owned by the Utility and inserted into the Water Main that allows water to flow to the Premises served by the water service.

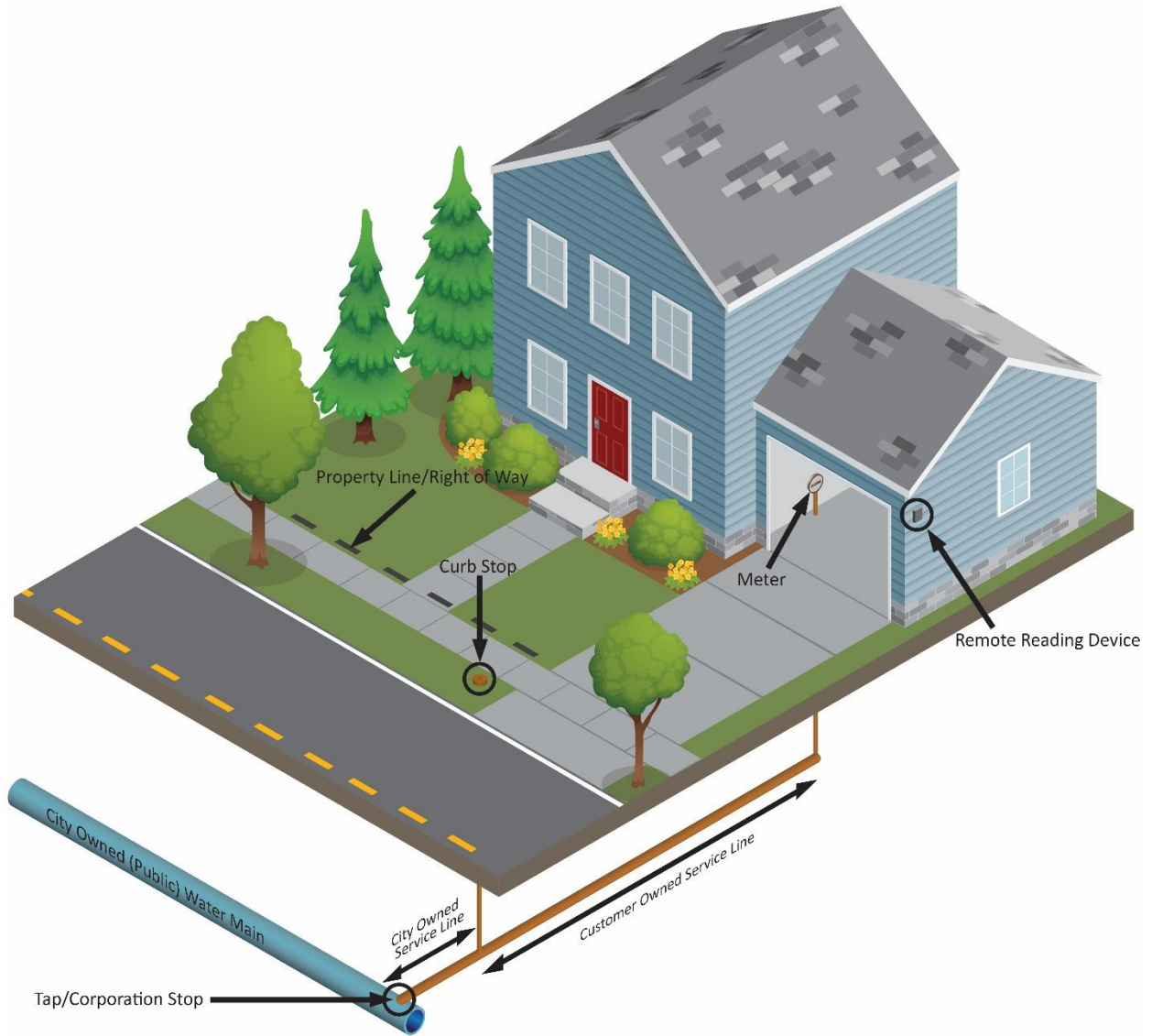
UNAUTHORIZED USE OF WATER is the act of obtaining or receiving water service without permission from the Utility and includes acts undertaken to prevent a meter from registering the correct amount of usage, connecting a hose to a fire hydrant without permission, operating a Curb Stop without permission, using false pretenses to obtain water service, and other similar acts as further defined in Section 52.01 of the Fort Wayne Code of Ordinances.

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 200 E. Berry Street, Ste. 140, Fort Wayne, Indiana and engaged in furnishing the public water supply and associated billing to Customers in and around the City of Fort Wayne.

WATER MAIN refers to a public water conduit, together with all appurtenances, necessary valves, fire hydrants and associated materials, receiving potable water and distributing it to more than one Customer.

WATER DISTRIBUTION SYSTEM is a network of public Water Mains and appurtenances that deliver potable water from the Utility's Filtration Plant to Customers.

Fort Wayne Water Utility Standard Residential Water Service Connection¹



¹ This arrangement also applies to many non-residential properties with services of 2" and smaller. For services larger than 2", please consult the Design Standards Manual.

ARTICLE II - REGULATIONS AND CUSTOMER INFORMATION

RULE 1. RULES AND REGULATIONS ON FILE

A copy of all rates and charges and these Rules and Regulations are available on the Utility's website.

Upon request by an Applicant or Customer, the Utility will furnish a copy of its current rate schedules. Electronic copies will be furnished free of charge. Paper copies will be furnished at a charge in accordance with Ind. Code § 5-14-3.

RULE 2. NOTICE OF PROPOSED RATE CHANGE

Whenever the Utility files a petition with the Indiana Utility Regulatory Commission for an adjustment of its rates and charges, the Utility shall give notice thereof to all Customers in accordance with applicable law and/or regulations promulgated by the IURC. The notice shall contain a clear and concise explanation, fairly summarizing the nature and extent of the proposed changes, and shall provide the date, time and location of any public hearing thereon.

ARTICLE III - WATER SERVICE ACCOUNTS

RULE 3. CONTRACTS

- A. The Utility shall not be required to provide any water service unless and until there is an approved service application or contract on file with the Utility.
- B. An Applicant for water service may, at the discretion of the Utility, be required to show positive identification when applying for service. In the absence of a picture ID, a minimum of two proofs of identification may be required (i.e. certified copy of birth certificate, verifiable social security card, etc.).
- C. If an Applicant is leasing or buying on contract the Premises where water service is sought, a copy of the current lease or contract purchase agreement must also be provided to the Utility's Customer Support Department where it will be kept on file with the Applicant's approved service application or contract for service. In addition, the Applicant must provide the Utility with the name and contact information for the Owner of the Premises. For purposes of this rule, a contract purchaser shall supply the name and contact information of the legal title holder to the Premises (e.g., the contract seller).
- D. Except as set forth in subsection E. below, if the information provided by the Applicant under subsection C. indicates the Applicant is not the Owner of the Premises but will be occupying the Premises where water service is sought and the Applicant is responsible for paying the rates, charges, and fees assessed for the services provided by the Utility, the account will be established in the Applicant's name and the Applicant will thereafter be considered the Customer for billing purposes.
- E. Notwithstanding subsection D., the Owner of the Premises to be supplied with water service (including the legal title holder in a land contract sale) may request the account to be established in the Owner's name in which case the Owner will be considered the Customer for billing purposes.
- F. If the records of the Utility indicate the Premises are vacant or that they are not occupied by someone other than the Owner, the Utility shall place the account in the name of the Owner who shall thereafter be considered the Customer for billing purposes. Once the account is established in the Owner's name, the Owner shall be responsible for all Monthly Service Charges, fire protection charges, and any consumption charges that accrue at the Premises unless and until either of the following conditions is met:
 - 1. records are provided to the Utility that demonstrate the Premises are or will be occupied by a Person other than the Owner, that such Person is or will be responsible for paying the rates, charges, and fees assessed for the services provided by the Utility, and an account is set up in that Person's name; or

2. legal title to the Premises is transferred to a new Owner and appropriate documentation is provided in accordance with Rule 5.C.
- G. When the Applicant is a Non-Residential entity, the service application or contract for service shall be executed by an individual with authority to bind the organization and shall be accompanied by a personal guaranty from one of the officers of the organization and/or other assurance of payment that is satisfactory to the highest ranking officer of the Customer Support Department or his/her designee.
- H. The Utility, in its discretion, may reject an application for water service for any of the following reasons:
1. The Utility determines the Applicant has defrauded or is attempting to defraud the Utility;
 2. The Applicant has an unpaid balance with the Utility for services provided to the Applicant at the same address or a different address that is not subject to an automatic stay and has not otherwise been discharged in proceedings commenced under the United States Bankruptcy Code;
 3. The Applicant is not the Owner of the Premises to be served and fails to provide the information required by Rule 3.C.
 4. The Applicant fails to submit a deposit as required by Rule 4 of these Rules and Regulations;
 5. The Utility determines the use or condition of the Premises would result in waste pollution or damage to property of the Utility or to others, or would result in a violation of any ordinance or statute;
 6. The Utility determines the use or condition of the Premises, or the actions of the Applicant, or any person acting on behalf of or with the permission of the Applicant, violates or will violate any duly adopted rule or regulation of the Utility; or
 7. The Premises for which the Applicant has applied for service has experienced excessive uncollected billings over the immediately preceding two (2) year period and the Applicant is determined to be uncreditworthy under the criteria set forth in these Rules and Regulations.

If the Utility denies service, it shall notify the Applicant, stating the precise facts upon which the Utility based its determination. If the Applicant disputes the Utility's determination or the facts upon which the determination was based, the Applicant may seek an Administrative Review in accordance with Rule 30 of these Rules and Regulations.

- I. No promises, agreements or representations by any agent of the Utility shall be binding upon the Utility unless they have been incorporated into a contract approved by an agent of the Utility authorized to approve such contract on behalf of the Utility.
- J. The benefits and obligations under any contract for water service shall begin when the Utility commences to supply water service to the Customer and shall continue until the Customer notifies the Utility he/she wishes to discontinue the service in accordance with Rule 6.

RULE 4. DEPOSITS

- A. The Utility will determine the creditworthiness of all Customers in an equitable and nondiscriminatory manner. Any new residential or nonresidential Customer will be deemed non-creditworthy if any of the following applies: (i) the Customer has three (3) delinquent payments, two (2) consecutive delinquent payments, or has had service discontinued for nonpayment within the immediately preceding twelve (12) months with respect to services provided by the Utility; (ii) the Customer's credit rating is B+ or below for S&P or B1 or below for Moody's; or (iii) the Customer is categorized as non-creditworthy by a commercial reporting service using factors identified by said service or the Utility. For purposes of this rule, a new Customer does not include a Customer who changes its corporate name or corporate structure or an existing Customer who establishes a new account.
- B. The Utility, in its discretion, may require a deposit from an existing residential or nonresidential Customer when the Customer has been mailed a notice of discontinuance for two (2) consecutive months or three (3) months within the preceding twelve (12) month period, or when service has been discontinued as a result of nonpayment in accordance with these Rules and Regulations.
- C. Any deposit required under this rule will be equal to no more than 1/6th the annual billing for a current Customer or 1/6 the estimated annual billings for a new Customer. If an existing Customer has more than one account with the Utility, the Utility will not aggregate the Customer's accounts for purposes of calculating the deposit. Instead, the deposit will be calculated based only on the annual billings of the delinquent account.
- D. Deposits shall be retained until the Customer has completed twelve (12) consecutive months of prompt, non-delinquent payments. The deposit shall thereafter be applied as a credit to the Customer's account. Any delinquency or late payment shall restart the twelve (12) month period. Further, in the event of delinquency or late payment, the Utility reserves the right to apply all or a portion of the deposit to the delinquent balance and require the Customer to replenish the deposit by adding the amount so applied to the subsequent monthly bill.
- E. The deposit shall be handled in the following manner upon Customer requested discontinuance of service:

1. The Utility shall require payment of any past due or current balance billed and owing at the time of discontinuance;
 2. The Utility shall apply the deposit to the final bill or transfer it to the new service address account if new service is within the Utility's service area;
 3. If applied to the final bill, any portion of said deposit remaining after such application that is greater than \$2.00 shall be mailed to the Customer at the forwarding address provided by the Customer;
 4. Where any deposit has been applied to payment of arrearage, the Utility, in its discretion, may require a new deposit before service is reconnected.
- F. The Utility shall maintain a record of each Applicant or Customer making a deposit that shows:
1. The name of the Customer;
 2. The current address of the Customer so long as he or she maintains the active account with the Utility in his or her name;
 3. The amount of the deposit;
 4. The date the deposit was made; and
 5. A record of each transaction affecting such deposit.
- G. Any deposit made by an Applicant, Customer, or any other person with the Utility (less any lawful deductions) that 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 become property of the Utility.

RULE 5. TRANSFER OF SERVICE

- A. Once an account has been established in the name of a Customer, that Customer will be responsible for all Monthly Service Charges, consumption charges, and fire protection fees at the Premises until ownership and/or occupancy of the Premises is transferred to a new Customer. As set forth in Rule 6, the Customer shall notify the Utility at least seven (7) working days in advance of the date that service is proposed to be transferred and provide the information required by Rule 5.C. If these steps are followed, the Customer will be relieved of the responsibility for water charges beginning on the seventh (7th) day following the date that notice was provided by the Customer or the date an account is established in the name of the incoming Owner and/or occupant, whichever is earlier.

- B. If the incoming Owner and/or occupant fails to set up a new account within three (3) days of the transfer date, water service may be discontinued by the Utility at the Curb Stop at the discretion of the Utility, and the incoming Owner and/or occupant will be required to pay a fee as set forth in the Utility's Miscellaneous Rates and Charges to have service restored.
- C. To transfer service to a new Customer, the existing Customer must provide legal documentation of property ownership change (such as a deed), or proof of the new Customer's identity and the date of transfer. When the Premises are occupied by someone other than the Owner and that Person notifies the Utility of his/her desire to discontinue water service, the account shall be placed in the Owner's name in accordance with Rule 3.F. If an Owner disputes responsibility for the charges, it is the Owner's burden to provide documentation acceptable to the Utility to demonstrate that the property is occupied by someone other than the Owner and that said occupant is responsible for paying the bills for water service at the Premises.
- D. In the case of a foreclosure, the Owner will still be responsible for all Monthly Service Charges, fire protection fees, and applicable consumption charges until title to the Premises is legally transferred to a different Person. It is the Owner's burden to provide a copy of the deed or other transfer instrument showing the Owner is no longer the legal title holder to the Premises.
- E. Contracts for water service shall not be assigned without the express written consent of the Utility. If an existing Customer fails to inform the Utility and obtain its approval of any such assignment, the Utility, at its sole option, may hold such Customer responsible for any and all charges incurred at the service address unless and until approval is granted.

RULE 6. DISCONTINUANCE OF WATER SERVICE

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 of service 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 and the State Fire Marshall. If the Customer is not the Owner of the affected Premises, the Customer shall also provide the Utility with written approval by the Owner for the discontinuance of private fire protection service.
2. If the Utility needs access to the Premises to obtain a final Meter reading, it shall be the Customer's responsibility to provide such access. Failure to do so shall result in the Utility rendering a final bill based on an average of previous consumption. If the Utility subsequently obtains a higher read from the Meter showing additional actual consumption prior to a third party or new Customer

commencing service, the previous Customer shall be responsible for the charges incurred for the additional consumption registered on the Meter.

3. When water service is temporarily discontinued at the request of the Customer, the Customer will still be required to pay the Monthly Service Charge, applicable consumption charges, if any, and fire protection fees during the period of discontinuance. In addition, a charge approved by the IURC to cover the expense of turning the water off and on shall be made if discontinuance occurs by shutting off water at the Curb Stop.
 4. Although the Utility makes every effort to ensure that discontinuance of water service results in the water being completely turned off, there are circumstances that can allow the water service to remain active and consumption to register on the Meter even after attempts to discontinue water service have been made. Because the Utility has no way to verify that water is completely off from the Curb Stop, it is the Customer's responsibility to verify that the water is completely turned off. If the customer checks and it appears the water service is active, the Customer shall immediately notify the Utility so the Utility can identify the problem. The Utility is not responsible for any damage that results from water not being completely turned off, and the Customer remains responsible to pay for any usage that might occur if the water is not completely off.
 5. If the records of the Utility demonstrate that the Premises supplied with water are vacant, or that the Customer who previously occupied the Premises is no longer occupying the Premises for any reason, including voluntary move-outs and property foreclosures, the account will be placed in the Owner's name, and the Owner will be responsible for all Monthly Meter Services Fees, fire protection fees, and applicable consumption charges as set forth in Rule 3.F.
 6. If the Premises supplied with water service is subject to a condemnation order, the Owner will still be responsible to pay all Monthly Service Charges, applicable consumption charges, and fire protection fees until the Premises are physically disconnected from the Water Distribution System.
- B. Without the Customer's request and without notice to the Customer. At its sole discretion, the Utility may discontinue water service without notice to the Customer under the following circumstances:
1. When an emergency exists, as reasonably determined by the Utility;
 2. For any unauthorized use of water;
 3. Upon orders by any regulatory agency or authority having jurisdiction over such matters;

4. Upon discovery of an improper installation of a new Service Pipe and appurtenances, or alteration or removal of an existing Service Pipe and appurtenances including the Meter, without approval by the Utility;
 5. For improper use of Temporary Water;
 6. For failure to comply with the terms of a payment arrangement offered by the Utility's Customer Support Department;
 7. For any tampering by a Customer, or if Customer knowingly permits any tampering, with any Service Pipe, Curb Stop, Remote Reading Device, AMI network equipment, Meter, Meter seal or by-pass valve, or any other appliance or equipment owned by the Utility;
 8. For any action or failure to act in violation of any federal, state or local law which, in the opinion of the Utility, 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.
- C. Without the Customer's request, but with notice to the Customer. The Utility may discontinue service, with written notice to and without request of the Customer, for the following reasons:
1. Failure to repair any leak in the Customer-Owned Service Line or appurtenances between the Tap and Meter, including the Tap itself, or in any Private Fire Service or other unmetered facility;
 2. Failure to timely pay in accordance with Chapter 52 of the Fort Wayne Code of Ordinances and/or these Rules and Regulations, any water bill or other charges in connection with water utility service, installations or facilities at the service address or any other service address associated with the Customer, or otherwise, except as noted hereafter;
 3. Failure to provide unobstructed and non-hazardous access to the Premises and Meter, appliance and/or other Utility owned equipment so representatives of the Utility can take Meter readings, make all necessary inspections, and maintain, replace, or remove the Meter, appliances and/or equipment of the Utility;
 4. Failure to maintain approved Meter settings, including pits and vaults;
 5. 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;
 6. If the Utility discovers that a Customer has issued or caused to be issued any invalid form of payment (for example, a bad check, invalid bank account

number, invalid credit card number, etc.) to avoid discontinuance of service;
or

7. Failure to pay a deposit when required in accordance with these Rules and Regulations.

D. The general conditions for discontinuance of water service under Rule 6.C. are as follows:

1. The Utility shall give written notice, either mailed to such Customer at his or her billing address as shown on the Utility's records or personally delivered to him or her 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 for discontinuance remains uncorrected. Whenever feasible, this notice shall be given at least five (5) days in advance of the discontinuance.
2. The Utility shall not discontinue 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's offices are not open to the public.
3. A service charge approved by the IURC shall be assessed for any administrative action associated with discontinuance of water service or for having to make a trip to the Premises to turn water off at the Curb Stop. In the event a Customer corrects the deficiency or default prior to discontinuance of service, the Utility, in its discretion, may waive the assessment of said service charge.
4. Utility personnel in the field shall accept no payments in lieu of discontinuance of service.
5. Following discontinuance, water service to the Premises shall be restored upon proper application when the conditions under which service was discontinued have been corrected to the satisfaction of the Utility, 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. Same day service may be available for an additional fee, in accordance with the Utility's Miscellaneous Rates and Charges. Charges for same day service may be collected in advance or added to the Customer's next regular monthly bill at the Utility's discretion.
6. If the discontinuance or restoration of service involves any excavation work by the Utility, the cost of such work shall be the responsibility of the Customer, and the City shall not be responsible for any damage to the Premises as a result of such excavation work.

7. 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 Additional Trip Charge shall be added for each and every additional service trip as set forth in the Utility's Miscellaneous Rates and Charges.
8. If, following discontinuance, the Utility determines a Customer's water service has been turned on without authorization, the Utility shall turn off the water and take steps as reasonably necessary to prevent any future unauthorized use of water. The Customer shall be assessed an Unauthorized Usage Shut-off Charge as set forth in the Utility's Miscellaneous Rates and Charges and may be prosecuted for theft of Utility property and services, at the Utility's discretion. Further, if persistent problems occur with regard to unauthorized use of water, the Utility may permanently disconnect the water service unless the Owner agrees to establish and maintain the account in his or her name.
9. In the event any Person shall be aggrieved by any determination by the Utility under the foregoing, said Person may seek an Administrative Review in accordance with Rule 30.

RULE 7. PROHIBITED DISCONTINUANCES

- A. Except as otherwise provided, the Utility shall postpone or cause to be postponed the discontinuance of service under Rule 6 for ten (10) days if, prior to the discontinuance date specified in the notice of discontinuance, the Customer provides the Utility with an approved medical statement from a licensed physician or public health official on the appropriate Utility form, which states that discontinuance of service 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. This postponement shall be continued for one additional ten (10) day period upon the furnishing of an additional medical statement.
- B. The Utility shall not terminate service to the Customer:
 1. Upon the Customer's failure to pay for service rendered to a different address, residence or location unless such bill has remained unpaid for at least forty-five (45) days.
 2. Upon the 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 8. PERMANENT DISCONNECTION OF WATER SERVICE

In order to reduce the potential of leakage from the Water Distribution System, when water service is no longer needed at a service address, the Utility's Water Maintenance and Service Department shall disconnect the service from the Water 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.

A Customer will be required to pay all fixed Monthly Service Charges and any applicable consumption charges until the service is permanently disconnected from the Water Main. A property Owner with a permanently disconnected service will still be assessed a fire protection fee based on the service size of the property prior to being disconnected from the Water Main.

RULE 9. RESALE OF WATER PROHIBITED

The water service furnished under these Rules and Regulations is for the personal use of the Customer on his or her own Premises. No Customer is permitted to resell any water or service without the written consent of the Utility.

RULE 10. INCREASE IN LOAD

The Water Distribution System and Meters supplied by the Utility have finite capacities; no material changes in the number or type of equipment and/or water-consuming appliances located on the Premises shall be made unless the Customer notifies the Utility, obtains the Utility's prior written approval of such changes, and pays any applicable fees resulting from the changes, including any applicable system development charges.

RULE 11. UTILITY'S RESPONSIBILITY FOR SERVICE

- A. The Utility will use reasonable care and diligence to avoid interruptions and fluctuations in its service, but it cannot and does not guarantee that interruptions and fluctuations will not occur. Variations in pressure or volume of flow are to be expected. Customers requiring uniform service, an uninterrupted supply, or uniform pressure or volume shall make their own special arrangements on their Premises. Customers needing special arrangements for uninterrupted service may also be required by the Utility, exercising its sole discretion, to install multiple Meters or multiple backflow devices to allow the Utility to test Meters and backflow devices or repair Meters during the Utility's normal business hours and to allow the Customer to repair its backflow devices.

- B. The Utility shall not be liable for damages of any kind or character for any deficiency in pressure, for failure of water supply, for bursting or breaking of any Water Mains, City-Owned Service Lines, Customer-Owned Service Lines, Curb Stops, Taps, valves or fixtures, wherever located, for any deficiency in any attachment to Water Mains, City-Owned Service Lines, Customer-Owned Service Lines, service branches or any other facilities used by the Utility, or for any other interruption of water supply caused by breaking of machinery, stopping for repairs or for any reason or occurrence beyond the reasonable control of the Utility. The Utility shall not be responsible for damage caused by changes in water quality that is or might be due to cleaning facilities that comprise the Water Distribution System, or the opening or closing of any gate valves or hydrants or any other cause when the same is not due to the Utility's lack of reasonable care.

- C. The Utility shall not be liable for any failure or delay in performing any of the things undertaken by it under any service contract when such failure or delay is caused by strike, acts of God, unavoidable accident, or other contingencies beyond the Utility's reasonable control and in no manner due to its fault or negligent acts or omissions.

ARTICLE IV - SERVICE CONNECTIONS

RULE 12. WATER MAIN EXTENSIONS

The Utility requires developers, firms and/or corporation(s) to pay for the cost of the water main extensions that are required or necessary to provide new domestic and commercial developments with water service 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 170 Ind. Admin. Code § 6-1.5 and the latest revision of the Utility's WATER MAIN EXTENSION POLICY, which is by reference incorporated herein.

RULE 13. SERVICE CONNECTIONS

A. Residential Service Connections.

1. For properties not currently served with City water, or those desiring additional service, application should be made to the Utility's Development Services Department. The Customer shall present to the Development Services Department a list of devices that are to be attached to the Water Distribution System, giving the location of each device. The Utility will then advise the form and character of the supply available and all costs, including assessments, availability fees, Tap fees, and any other applicable fees that will apply based on the location and size of service requested. All fees shall be satisfied prior to service installation.
2. Once a request for new or additional service has been submitted, the Development Services Department will order the Tap and send a service request for installation of the Tap to the Utility's Water Maintenance & Service Department. The Utility reserves the right to determine the placement of each Tap and Curb Stop. As a general rule, the Curb Stop should be located between the present or proposed sidewalk and the curb. The Utility may approve a different location if the Utility determines, in its discretion, said location will provide safer, more convenient, or more satisfactory access to the Curb Stop.
3. Except as outlined in the DEVELOPER INSTALLED WATER TAPS POLICY or as set forth below, the Utility will furnish the labor, equipment and materials for, and install or cause to be installed, the Tap into the Water Main, the Curb Stop, and the City-Owned Service Line located between the Tap and the Curb Stop. The Customer shall pay the Utility a Tap Fee for the cost of such installation. For regular three-quarter inch (3/4") through two-inch (2") services installed by the Utility, a standard price shall be charged as set forth in Sections 52.26 and 52.27 of the Fort Wayne Code of Ordinances. 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 larger than 2 inches (2”), the actual or estimated cost of the installation shall be charged. Owners also shall have the option to install the Service Pipe on their own, in which case the Utility will furnish the labor, equipment and materials to install the Tap only.

4. The Customer, at his or her own expense, shall install or cause to be installed the Customer-Owned Service Line that runs from the Curb Stop to the building receiving water service. The Utility and the Allen County Building Department shall have the right to inspect each Customer-Owned Service Line installation for proper materials and depth of service before the service trench is backfilled. The Utility and the Allen County Building Department must be informed when the work is completed so an inspection can be performed prior to backfilling. If notice is not provided, the Owner of the Premises may be required by the Utility to uncover the work so the inspection can be performed. Additionally, the quality of materials and workmanship for the Customer-Owned Service Line shall be the Customer's responsibility and must comply with state plumbing code requirements and the Utility's specifications and standards as outlined in the Utility's Design Standards Manual.
5. Upon approval of the Tap, the Utility will assess any appropriate System Development Charges, and an order will be initiated for installation of the Meter.

B. Non-Residential Service Connections.

1. For new Non-Residential service, the Applicant must first contact the Development Services Department and provide the proposed site plan.
2. Upon receipt of a request for new service, the Development Services Department will identify all applicable permit fees, Tap fees, System Development Charges, etc., which fees must be paid prior to installation of Tap.
3. Once the appropriate fees have been paid, the Utility will initiate installation of the Tap in accordance with Section 13.A.3. The Customer will then be responsible for installing the Customer-Owned Service Line as set forth in Section 13.A.4.
4. Any Customer-Owned Service Line that is three-inches (3”) or larger in diameter shall be disinfected and tested in accordance with ANSI/AWWA C651-99, or the latest revision, at the Customer's expense, before the water supply to the Premises served by such line is activated. The Customer or the Customer's contractor shall perform the disinfection and testing of the service line. Results of bacteriological testing carried out per ANSI/AWWA C651-

99, or the latest revision, shall be reported in writing to the Utility by a laboratory qualified to make such an analysis and acceptable to the Utility.

- C. Water shall not be turned on at a Premises until all of the foregoing steps have been completed and 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 to prevent water leakage or damage. Only a Utility representative shall turn on water, unless authority to do so is otherwise expressly granted by the Utility. It is a violation of both these Rules and Regulations and the Fort Wayne Code of Ordinances for anyone other than a Utility employee to make any such turn-ons without express written consent.
- D. As a general rule, water service shall be furnished through a single Service Pipe to only one Premises. Where a single Premises consists of several units or buildings, is served by a single Service Pipe, and is connected directly to a public Water Main, the Owner of the Premises has the option of metering each unit or building separately, in which case a separate Curb Stop must be provided for each metered unit or building and must be located outside of the building where it is accessible to the Utility unless an alternative arrangement is approved by the Utility. In the case of a Private Distribution System (e.g., mobile home communities and strip malls), the Private Distribution System will be master metered at the point(s) of connection to the Water Main. The master meter will serve as the basis for calculating all water and sewer charges on the Premises. There will be no option to separately meter each unit or building connected to a Private Distribution System
- E. In the case of a Multi-on-One Connection, the Utility reserves the right, in its discretion, to order the Owner(s) to separate the connection by installing separate Curb Stops, or by having new Taps and Service Pipes installed for each separate Customer. Any such order to separate a Multi-on-One Connection shall be sent to the Owner(s) by certified mail, return receipt requested, along with a copy of this Rule. If the Owner(s) fail to respond to the Utility within ten (10) days of date of the notice provided by the Utility, expressing their intent to complete the separation, the Utility, in its discretion, may discontinue water service to all affected Customers, in accordance with Rule 6 of these Rules and Regulations. In such a case, the Utility shall have the option to separate the Multi-on-One Connection using its own workforce or have the separation made. When the Utility separates the Multi-on-One Connection or has the separation made, the Utility shall have the authority to charge the affected Owner(s) for the total cost of the service separation. Such charges constitute a lien on the affected real estate in accordance with Ind. Code § 36-1-6-2.
- F. Notwithstanding Rule 13.E., if a Multi-on-One Connection or Service Pipe has been installed prior to the adoption of and not in accordance with these Rules and Regulations and water is being taken through a single Curb Stop to supply two or more units, buildings, Premises, or Customers, the Utility, in its discretion, may allow the arrangement to continue if the Owner(s) benefiting from such arrangement voluntarily agree to be responsible for the payment of the water bills and all other related charges for service supplied through the single Curb Stop. In such a case, the

account(s) must remain in the Owner's name. Otherwise, the Utility may choose to require separation by installation of separate Curb Stops in accordance with Rule 13.E.

- G. All Service Pipes, Curb Stops, and other fixtures installed for the purpose of obtaining water service shall comply with the technical specifications of the Utility as set forth in the Utility's Design Standards Manual.

RULE 14. MAINTENANCE OF SERVICE PIPES AND METER BOXES

- A. The City-Owned Service Line from the Water Main to and including the Curb Stop shall be maintained in good repair at the expense of the Utility. This includes replacement of necessary parts due to damage, corrosion, tuberculation, or other deterioration. However, if replacement is required due to increased demand by the Customer, such replacement shall be at the Customer's expense.
- B. With the exception of the Meter, the Customer-Owned Service Line shall be maintained at the expense of the Customer or Owner of the Premises, and any leaks or other defects shall be promptly repaired by the Customer or Owner. If needed repairs are not made to a Customer-Owned Service Line within five (5) days after written notification by the Utility, water service may be discontinued and/or the Customer or Owner may, at the discretion of the Utility, be charged a penalty in accordance with Section 10.99 of the Fort Wayne Code of Ordinances for each day that the defect is allowed to remain. The Utility shall also have the power and authority to make such repairs as necessary to protect the Utility upon an Owner's failure or refusal to make necessary repairs 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. The Utility may operate private Curb Stops at the Utility's discretion. In doing so, the Utility does not assume responsibility for any damage or leakage that might occur. Any repairs to private facilities shall be at the Customer's expense. It is the Customer's responsibility to maintain all private facilities in operating condition, at an accessible location.
- D. All meter boxes (including so called pits or vaults) constructed or installed by the Owner, regardless of location, and any such boxes installed by the Utility on private property, shall be maintained in good repair by the Owner, at the Owner's 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 portion of the Service Pipe leading to and from such meter box, except the City-Owned Service Line. No meter boxes shall be approved for location within a public right-of-way.

- E. Appointments are typically scheduled in advance for maintenance performed by the Utility. Failure to cancel a scheduled appointment at least twenty-four (24) hours in advance of the appointment time may result in the assessment of a Service Call Charge as set forth in the Utility's Miscellaneous Rates and Charges.

RULE 15. FROZEN MAINS AND SERVICE PIPES

- A. The Utility shall not be required to attempt to thaw Service Pipes, including Customer-Owned Service Lines.
- B. Upon request by a Customer, the Utility, in its discretion, may agree to make an investigation (excluding any excavating) and inform the Customer of any conditions found upon the Premises which might cause or allow the freezing of a Service Pipe and advise the Customer of the steps necessary to remedy such condition. A charge may be levied for such investigation.

RULE 16. INSIDE PIPING AND SERVICE PIPES

- A. Each Applicant for water service shall, at his or her own expense, equip the Customer-Owned Service 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 the Customer, subject to the approval of any authorized inspectors and in accordance with these Rules and Regulations and the Utility's Design Standards Manual.

RULE 17. CROSS-CONNECTIONS AND BACKFLOW

- A. No cross-connections or conditions that might potentially permit the backflow of contaminants and/or pollutants from a Customer's Premises into the Water Distribution System shall be permitted. Any piping systems located on a 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, the Utility's Design Standards Manual, and Chapter 52 of the Fort Wayne Code of Ordinances.
- B. Backflow prevention devices must be tested upon installation and periodically thereafter per 327 IAC 8-10 and Chapter 52 of the Fort Wayne Code of Ordinances.
- C. Copies of all test reports on backflow devices are to be submitted to the Utility or its designated agent.
- D. Failure install a backflow prevention device when required and failure to comply with the annual testing requirements may, at the discretion of the Utility, result in

discontinuance of water service in accordance with Rule 6 of these Rules and Regulations.

RULE 18. BOOSTER PUMPS

- A. No booster pump shall be installed that take suction or supply from the Water Distribution System without the written approval of the Utility.
- B. Any booster pumps authorized by the Utility must conform to the Utility's Design Standards Manual.

RULE 19. ACCESS TO PREMISES

- A. Properly authorized representatives of the Utility shall have the right to enter upon the Customer's Premises at all reasonable times for the purpose of reading, inspecting, repairing, testing, removing, relocating or replacing the Meter or Meters used in connection with the water service and for inspecting and/or testing backflow prevention devices, atmospheric tank installations, booster pump vacuum breaker valves, and general plumbing. 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. Utility personnel shall not be required to go upon Premises deemed unsafe due to the existing condition or circumstances on the Premises.

If a Utility representative determines 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. Provided, however, the Utility may shorten the period of time to complete the repairs if an emergency exists when determined by the Utility to be reasonably necessary or appropriate. Failure to complete the necessary repairs within the timeframe specified in the notice shall result in discontinuance of service.

ARTICLE V - METERS

RULE 20. METERING

- A. Ownership and Size of Meter and Pit. All Meters shall be owned, installed, removed and maintained by the Utility. The Utility shall determine the kind and size of Meter to be used in connection with any water service. Except as provided in Rule 22.C., all Meter pits, Meter pit covers and other materials comprising the Meter pit facilities shall be purchased, owned, installed, removed, and maintained in a safe manner by the Customer. Repair to or replacement of missing or damaged Meter pit lids for public safety reasons shall be made by the Utility but at the Customer's expense. Each Customer shall pay a fee for installing a Meter as set forth in the Utility's Miscellaneous Rates and Charges.
- B. Location and Protection of Meter and Pit.
1. Meters larger than 1-inch shall be installed in an approved Meter pit or inside the structure served. However, if, in the Utility's judgment, a backflow prevention device is required, it shall be located adjacent to the public right-of-way or easement line unless otherwise approved by the Utility prior to installation. Meters shall always be placed upstream of backflow prevention devices.
 2. Unless otherwise approved by the Utility, Meters 1-inch and smaller shall be installed in a Meter pit approved by the Utility located on the Customer's property adjacent to or near the public right-of-way or easement line.
 3. Upon request of a Customer and before installation, the Meter pit will be located at the point requested by the Customer if practicable and in accordance with sound utility standards. The Meter pit must be constructed to protect the Meter from freezing and damage from vehicular traffic and placed in a location that is convenient and accessible for the Utility representatives. The pit location should be designed to prevent an inflow of service water.
 4. Meters which cannot be installed in outside pits shall be located inside the structure served as approved by the Utility. An inside Meter shall be as near as possible to the point where the Customer-Owned Service Line enters the building in a clean, dry, safe place, protected from freezing and hot water and not subject to wide temperature variations. In case of damage to a Meter or any of its immediate attachments by reason of any negligent act or omission on the part of the Customer (including, but not limited to, the freezing of an inside Meter), the Customer shall pay the Utility the charge for a lost, stolen, or frozen Meter as set forth in the Utility's Miscellaneous Rates and Charges.

5. The Meter shall at all times be accessible for reading, inspection, and removal for testing. The Utility reserves the right to put seals on any water Meter or on its coupling for any Premises and turn off the water supply if such seals are found broken or removed. The Utility, in its discretion, may also pursue other remedies as set forth in Rule 20.G.
- C. Change in Location. All changes in the location of a Meter shall be approved by the Utility and, except as hereinafter provided, shall be made at the Customer's expense. Whenever the Customer-Owned Service Line to a Premises having an inside Meter is replaced, the Meter shall be relocated in a Meter pit approved by the Utility located on the Customer's property adjacent to or near the public right-of-way or easement line, in which case the Utility, at its expense, will provide the Customer with the Meter connection, pit cover, lid and Curb Stop, to be installed by the Customer at his/her expense.
- D. Multiple Meters. Where water for a Premises is metered at more than one location for or at the request of the Customer, each location shall be billed separately except as provided in these Rules and Regulations. If the Utility determines that water for a Premises should be metered at more than one location for the convenience of the Utility, Meter readings shall be aggregated and billed as if from a single Meter. In no event will Meter readings be aggregated for two or more Premises. 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, at the Customer's expense, a suitable place in the basement, in an approved meter box, or in another location approved by the Utility for installation of the meter.
- E. Meter Replacement. If a Meter requires replacement, the following procedures may be employed by the Utility at its discretion:
1. Ordinary replacements shall be made by the Utility without expense to the Customer. The Utility will document the reads of the existing and replacement Meters and other related information via digital image or other acceptable practice.
 2. Meter repairs and/or replacement necessitated through Customer neglect or negligence shall be charged to the responsible Customer. Where a frozen meter must be replaced and such is not discovered until after the Customer's utility account has been finalized, the prior Customer shall still be responsible for the cost of the repair or replacement. The Customer may, at the Utility's discretion, be denied water service at a different address until such cost is paid, or if service was already established prior to discovery of the frozen Meter, the cost of the repair may be added to the Customer's bill at the new service address. If a Customer leaves the Utility's service area, the Utility still

reserves the right to bill the Customer for the cost of the replacement and pursue all appropriate remedies for collection of said cost.

- F. Meter Testing. A Meter shall be tested for accuracy by the Utility if the Customer requests it. The Utility will 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. Meters shall be tested in accordance with the AWWA standards for cold water meters. The Customer may have a representative present when the investigation is made and/or the Meter is tested.
1. If leaks are found or if the Meter is determined to be in compliance with the AWWA standards, the Utility, in its discretion, may charge the Customer for making the investigation and/or the test in accordance with the Utility's Miscellaneous Rates and Charges. If a Meter is found in compliance with AWWA standards but the Customer still wants to have the Meter replaced, the Utility will replace the Meter at the Customer's expense.
 2. Testing of Meters 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 that are found to be 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. Further, in such circumstances the Customer may, at the discretion of the Utility, 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 Premises to maintain the billing in the Owner's name.

ARTICLE VI - BILLING

RULE 21. 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 shall pay a Monthly Service Charge, consumption charges calculated under the metered rate schedule most recently approved by the Common Council and the Indiana Utility Regulatory Commission, and a monthly fire protection fee.

A copy of the schedule of all fees/rates and charges discussed herein is available from the Customer Support Department located at 200 E. Berry St., Ste. 140, Fort Wayne, Indiana 46802. Rates can also be found online at <http://amlegal.com>.

RULE 22. BASIS FOR MONTHLY BILLING

- A. Monthly billing consists of fixed Monthly Service Charges, variable charges based on the Customer's consumption, and a fire protection fee.
- B. All charges for water usage, other than for unmetered fire service, shall be calculated upon the registration of the Meter(s) installed, which registration shall be prima facie evidence of the amount of water used. In the case of a Private Distribution System, a master Meter shall be installed at each point of connection to the public Water Main, which shall serve as the basis for calculating the charges for water and sewer service to the Premises served by the Private Distribution System.
- C. The Utility shall collect readings from the Meter or Remote Reading Device each month. Should the Remote Reading Device 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 will be adjusted to charge for the actual consumption. 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.

- C. The City shall require that a Remote Reading Device be installed at the exterior portion of the Premises or in an alternative location determined to be acceptable by the Utility.
- D. All water passing through the Meter or Meters shall be charged for, whether used, wasted or lost through leakage.
- E. The Utility reserves the right to adjust Customer accounts when billing errors are discovered.

RULE 23. PAYMENT

- A. Bills shall be rendered monthly. If a bill is not paid on or before the due date indicated on the bill, 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 discontinuance. The Utility, in its discretion, may charge a fee for mailing paper statements as reflected in the Utility's Miscellaneous Rates and Charges, provided such charge is approved by the IURC if required.
- B. NON-SUFFICIENT FUNDS
Checks or payments returned for non-sufficient funds or any other reason shall be subject to the fee that the banking institution charges to the Utility plus an administrative charge as set forth in the current Miscellaneous Rates and Charges.
- C. Failure to receive a bill shall not affect the right of the Utility to 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 discontinuance of service or in other special circumstances. At the time of the execution of a 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 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 payment agreement may, at the discretion of the Utility, result in discontinuance of service without further notice.
- E. 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 stop the accrual of finance charges on the delinquency. The Customer may pay a bill under protest by providing written notice of request for an Administrative Review at the time of payment. Such written notice must be filed with the Utility's Chief Officer of Customer Support prior to the due date of the bill.

- F. 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 for charges incurred at the Premises while the Customer owned or occupied the Premises. The Customer will not be held responsible for charges incurred after the Customer moves from the Premises, provided the Customer has supplied legal documentation of property ownership change, or proof of the new Customer's identity and date of transfer to the Customer Support Department in accordance with Section 3.F. of these Rules and Regulations. If the Utility determines that a service address has experienced Customer(s) with excessive uncollected billings over a two (2) year period, the Utility, in its discretion, may reject an application for water service at such address in accordance with Rule 3.H. of these Rules and Regulations.
- G. 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, at the discretion of the Utility, be discontinued for failure to pay any unpaid charges due, regardless of the Premises with respect to which the charges were incurred.
- H. 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.
- I. 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 payment or the heirs of such persons, shall be presumed abandoned and treated in accordance with Indiana Unclaimed Property Act.

RULE 24. ERRORS AND ADJUSTMENTS

- A. Adjustment Due to Meter Error. If a Meter is found to have a percentage error greater than two (2) percent, or such other percentage allowed by the Indiana Utility Regulatory Commission for public utilities, the following procedure for the adjustment of bills shall be observed:
 1. *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, in its discretion, 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.
 2. *Faster Meters*. In the rare case that 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.

- 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 read obtained from the Meter shall control. If the Customer owes the Utility for usage not previously billed, accommodations shall be offered to allow the Customer 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 Reading Device, 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 Reading Device was set, subject to Rule 24.C.

- 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. In no case shall the Customer be billed for more than six (6) years usage, whether actual or estimated.
- D. In the event any property is found to be connected to the Water Distribution System without payment of all charges and fees required, water service shall be discontinued unless and until a contract is executed by the Customer, a deposit, if required under Rule 4, is paid, and an appropriate Curb Stop and Meter is installed. The Customer shall be billed for the period of use, subject to Rule 24.C. and may be charged with theft of service or defrauding the Utility, if the Utility determines such action is warranted.
- E. Any person aggrieved by any determination or billing hereunder may request an Administrative Review in accordance with Rule 30 of these General Rules and Regulations. No request for an Administrative Review 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 prevails following the Administrative Review process, all monies paid under this Rule shall be refunded except any required deposit and monies determined to be due and owing.

RULE 25. COLLECTIONS, LATE CHARGES AND DELINQUENCY

- A. In addition to any other remedies available to the Utility at law or in equity, the Utility, in its discretion, may bring a civil action to recover any delinquent charges together with interest at the statutory rate, the costs and disbursements of said action, and a reasonable attorney fee.
- B. All bills for water services not paid on or before the due date indicated on the bill shall be subject to a fee as set forth in the Utility's Miscellaneous Rates and Charges.

RULE 26. TEMPORARY WATER

- A. Upon request by a Customer, the Utility, in its discretion, may approve the use of Temporary Water, and the following procedure shall be used:
 - 1. All Temporary 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 Meters up to and including 3" and those that are larger than 3", as set out on the Utility's Miscellaneous Rates and Charges.
 - 3. All water used shall be invoiced in accordance with the applicable rate schedule under Chapter 52 of the Fort Wayne Code of Ordinances.
 - 4. The Customer shall assume the liability for damage to or theft of all Utility property, including the Meter. 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 Temporary Water for residential construction purposes may, at the discretion of the Utility, require the installation of a 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 fees for Temporary Water 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 water without written permission from the Utility shall subject the user to penalty as outlined in Section 52.01 of the Fort Wayne Code of Ordinances.
 9. The Customer must also comply with any Terms and Conditions of the Temporary Meter Program. The most recent version of these Terms and Conditions is available at: <http://utilities.cityoffortwayne.org>
- 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. Customers receiving bulk water shall comply with all backflow and cross-connection prevention requirements.

RULE 27. IRRIGATION METERS

Upon request from a Customer, the Utility, in its discretion, may activate an irrigation or water-only account. The Customer, or his or her representative of legal age, may be required to be present to activate service, for which a fee shall be charged.

Each Customer shall pay a Monthly Service Charge based on the Meter size, in addition to variable consumption charges calculated under the applicable rate schedule. The service is considered available, whether used or not. If a Customer desires to terminate the irrigation or water-only account, it is the Customer's responsibility to physically sever the irrigation system from the Water Distribution System. At all times while an irrigation system remains connected to the Water Distribution System, the Customer must have a working backflow preventer installed and tested on an annual basis.

RULE 28. PRIVATE FIRE SERVICE

- A. The entire Private Fire Service on a Customer's Premises shall be subject to inspection and tests at such times as deemed necessary by the Utility. It shall be the Customer's responsibility to obtain the test from a qualified inspector and provide the results of the test to the Utility within the timeframe specified by the Utility in any notice requiring such testing.
- B. Before any modifications are made to any Private Fire Service or before service is furnished to any new Private Fire Service connected to or proposed to be connected to and supplied with water from the Water Distribution System, the Owner of the Private Fire Service, or his contractor or engineer, shall file final plans for such Private Fire Service 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 Private Fire Service piping;
 3. The sizes and locations of all connections to the Utility's Water 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.
- C. New Service. The Owner of the Private Fire Service, or his contractor or engineer, shall provide certification to the Utility that the system has been disinfected and tested in accordance with the latest revision of ANSI/AWWA C651-99. Results of bacteriological testing carried out per the latest revision of ANSI/AWWA C651-99 shall be reported in writing to the Utility by a laboratory qualified to make such an analysis and acceptable to the Utility.
- D. Existing Service Modification. Modifications to or extensions of existing Private Fire Service are permitted to 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 Private Fire Service 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 the latest revision of ANSI/AWWA C651-99 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 Rules and Regulations.
- E. 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 unauthorized use of water 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 improperly used.
- F. Hydrants and other fixtures connected to a Private Fire Service may, at the option of the Utility, 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.

- G. Where a single Tap on a Utility Water 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.
- H. In the event water to a Private Fire Service is discontinued for non-payment or any other reason, the Utility shall report the water outage to the State Fire Marshall or appropriate authorities.
- I. A Private Fire Service, at the option of the Customer and after approval by his or her insurance company, may be connected to the Customer's 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 Service is to be tested under the regulations of the Customer's insurance company, the Customer shall notify the Utility of such proposed test, naming the day and the hour when the test is to be made so the Utility can have a representative present for the test, if desired.

29. WATER RATIONING EMERGENCY

Following notice of a water rationing emergency, Customers of the Utility shall be limited to water use in accordance with the following Excess Use Charge Schedule:

EXCESS USE CHARGE SCHEDULE

- 1) Water consumption shall be limited to not more than 70% of the average volume of water consumed by that Customer during the months of March and April of the current year.
- 2) No 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 Customer was not served by the 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 Rules and Regulations, all Customers other than residential Customers shall be classified as commercial Customers.
- 5) Commercial Customers 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 Customer was in business and was a Customer of the Utility.

- 6) The amount of water consumed by each Customer that exceeds the established quota shall be billed by the 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 6 of these General Rules and Regulations, which gives the Utility authorization to discontinue 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 Customer that should subsequent billings exceed the established base, service may be discontinued. Service shall be restored according to Rule 6 of these Rules and Regulations.
- 9) Should discontinuance of service occur due to violation of the Excess Use Charge Schedule provided herein, service shall be restored after payment of the Same Day Service Reconnection Charge set forth in the Miscellaneous Rates and Charges, which shall be in addition to any other charge normally assessed according to these Rules and Regulations.
- 10) Any person aggrieved by any determination by the Utility may request an Administrative Review as provided in Rule 30 of these Rules and Regulations.

ARTICLE VII – ADMINISTRATIVE REVIEW

RULE 30. ADMINISTRATIVE REVIEW AND HEARINGS

- A. In any event that the Utility shall determine to deny service (under Rule 3) or to discontinue service (under Rule 6, Rule 13, or Rule 19), the Utility shall give written notice of such determination.
- B. The Utility assesses 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. If a Customer disputes a fee, charge, or determination by the Utility, the following procedures shall apply:
 - 1. The Customer shall first contact the Customer Support Department within twenty (20) days after notice of the fee, charge, or determination at issue to discuss the dispute with a Customer Support Department representative. For purposes of this paragraph, the monthly bill shall constitute notice of any fee or charge. For all other determinations by the Utility, notice is considered provided once the written determination has been mailed to the Customer.
 - 2. If the matter is not resolved to the Customer's satisfaction, the Customer shall discuss the determination with a supervisor in the Customer Support Department. If after discussion with the supervisor, the matter is still not resolved, the Customer shall discuss the determination with the Chief Customer Officer for the Utility.
 - 3. If the matter is still not resolved to the Customer's satisfaction after talking with the Chief Customer Officer, the Customer may request an administrative hearing. This request shall be made after the matter has been discussed with the Chief Customer Officer, but in no event later than thirty (30) days after notice of the fee, charge, or determination at issue.
 - 4. If a Customer requests a hearing, the facts concerning the dispute along with a clear request for an administrative hearing shall be submitted in writing to the Chief Customer Officer for the Utility at 200 E. Berry St., Ste. 130, Fort Wayne, IN 46802 or via e-mail. Upon receipt of the Customer's request, the Chief Customer Officer will schedule a hearing at which the Customer may appear and be heard.
 - 5. The Director of the Utility shall designate a hearing officer who shall conduct, as soon as practicable, an informal hearing to determine the circumstances and facts and resolve the dispute. The hearing shall be electronically recorded. A transcript of the hearing shall be provided, upon request of the Customer, at the cost of \$1.00 per page.

6. The hearing officer shall render a decision at the close of the hearing, or within sixty (60) days thereafter. The determination by the hearing officer shall be final and shall constitute the final administrative determination.
- D. 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 applicable Indiana law.

ARTICLE VIII - RULES

RULE 31. PRESENT RULES SUPERSEDE ANY PRIOR RULES

Any rules and regulations heretofore promulgated by the Utility governing the services supplied by the Utility are superseded and replaced by these Rules and Regulations and any other policies and regulations referred to herein and made a part hereof.

RULE 32. ENFORCEMENT OF RULES

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

RULE 33. 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 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 October 12, 2021.

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

Shan Gunawardena, Chair

Kumar Menon, Member

Chris Guerrero, Member

ATTEST: _____
Michelle Fulk-Vondran, Clerk