

TOWN OF MONROE,
STATE OF INDIANA

ORDINANCE No.: 2024- 9

SHORT TITLE: AN ORDINANCE TO RESCIND ORDINANCE NO. 2022-2
AND ESTABLISHING STANDARDS AND REQUIREMENTS
FOR USERS OF THE MONROE WATER SERVICE

WHEREAS, Indiana Code § 36-1-3, *et seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Town of Monroe is a municipality within the State of Indiana and Indiana Code § 36-5-2-2 provides that the Town Board for the Town of Monroe (hereinafter referred to as the “Town Board”) is the legislative body for the Town of Monroe;

WHEREAS, Indiana Code § 36-5-2-9 provides that a legislative body may adopt ordinances and resolutions for the performance of the functions of the town;

WHEREAS, the Town of Monroe owns, operates, and maintains a water service that services the properties located within the corporate limits of the Town of Monroe and some properties located outside the corporate limits of the Town of Monroe;

WHEREAS, the costs and expenses for connecting to the Town of Monroe’s water facilities have increased and are anticipated to increase annually due to inflation and increasing labor rates in the local economy;

WHEREAS, the Town Board is responsible for establishing schedules for connection fees in order for new users to connect to the Town of Monroe’s water system, and sets the connection schedule as described herein;

WHEREAS, the Town Board is responsible for establishing procedures related to late payments, obstruction of water systems by residents, and disconnection. Those procedures are described herein;

WHEREAS, the Town Board is responsible for establishing requirements related to allowing for proper access and/or limiting encroachments on the Town of Monroe’s utility rights-of-way and utility equipment;

NOW, THEREFORE, BE IR ORDAINED BY THE TOWN BOARD OF THE TOWN OF MONROE, INDIANA, AS FOLLOWS:

Section 1. Definitions. The following definitions are applicable to this Ordinance and are not of universal meaning within the context of other Ordinances, unless specific references to said term and definition is referenced therein.

- a. "Town Water System" shall mean the system of pipes, pumps, and other appurtenances operated by the Town of Monroe in order to convey and distribute potable water to residents of the Town of Monroe.
- b. "Connection Fees" shall mean the monetary fees that are assessed and collected by the Town of Monroe to individuals and companies in order to connect their property to the Town Water System for the purposes of receiving potable water to their residence or business.
- c. "Connection Fee Schedule" shall mean the annually adjusted Connection Fees set by the Town of Monroe for new water users to connect their home or business to the Town Water System.
- d. "Large Water Service" shall mean a connection from a residence or business to the Town Water System that consists of a pipe or pipes that measures in excess of one (1) inch diameter pipe.
- e. "Small Water Service" shall mean a connection from a residence or business to the Town Water System that consists of one (1) inch diameter pipe, or less.
- f. "Meter Fee" shall mean the monetary fee assessed and collected by the Town of Monroe from users of the Town Water System in order to install and/or upgrade a water meter at a residence or business for the purpose of monitoring water usage.
- g. "New Connection" shall mean any residence or business that connects to the Town Water System after the adoption of this Ordinance and that is subject to the Connection Fee.
- h. "Upgrade Connection" shall mean any residence or business that desires to upgrade its connection to the Town Water System by a larger-sized connection pipe and who is subject to the Connection Fee according to the Connection Fee Schedule.
- i. "Water Meter" shall mean a device that is installed by the Town of Monroe upon all users of the Town Water System for purposes of measuring, monitoring, and pricing water usage. All water meters remain the property of the Town of Monroe.

Section 2. Connection Fee Schedule; Tenant Water Deposit Fee. The following Connection Fee Schedule shall be applicable from the effective date of this Ordinance and as updated from time to time:

- a. *Small Water Service Connection Fee.* The Town of Monroe shall assess and collect a minimum one (1) time Connection Fees in the amount of Two Thousand and 00/100 Dollars (\$2,000.00) for all New Connections, including

specifically Small Water Service connections, to the Town Water System that shall be made after the date of this Ordinance.

- b. *Large Water Service Connection Fee.* The Town of Monroe shall assess and collect Connection Fees on a time, labor, and material basis for each New Connection, including specifically Large Water Service connections, to the Town Water System that shall be made after the date of this Ordinance.
- c. *Annual Increases.* The Town of Monroe shall review the Connection Fee Schedule on an annual basis to determine whether rising costs of new Connections need to be reflected in the Connection Fees.
- d. *Tenant Water Deposit.* Tenants of residential property within the Town of Monroe shall be required to pay a one-time Water Deposit Fee of Two Hundred Dollars (\$200.00).

Section 3. Water Meter. It shall be mandatory for all users of the Town Water System to have a Water Meter installed for each New Connection upon their property and connected in such a manner so as to permit personnel for the Town of Monroe to read and review water usage from the exterior of a residence or business using the Town Water System. Any water customer that currently does not have a water meter will be charged by one of two methods:

- a. Minimum consumption; or
- b. Flat rate.

Section 4. Water Meter Fee. The Town of Monroe shall assess and collect a minimum one (1) time fee in the amount of Five Hundred and 00/100 Dollars (\$500.00) for each Water Meter installed and/or Upgrade Connection after the effective date of this Ordinance.

Section 5. No Obstruction to Town Water System. No portion of the Town Water System, including, but not limited to, valves, hydrants, Meter Pits, or Service Valves, or the Town's utility rights-of-way shall be obstructed in any way that hinders the ability of Town of Monroe personnel to access the same.

- a. *Requirements Related to No Obstruction to Town Water Systems.*
 - i. Vegetation such as (i.e. trees, shrubbery, etc.) shall not be located within ten (10) feet of the all fire hydrants and valves (main valves, hydrant valves, and service valves) in the Town Water System. All other types of vegetation may not encroach on the valves and hydrants any closer than 5 feet. Acceptable landscaping around these items is mulch and rock that is flush to the top of the valve boxes as to not hide the location of the valves.
 - ii. Any shed, fence, or other small structure shall not be located within three (3) feet, in all directions, of the Town Water System. Service valves may be located inside of a fence but must be accessible at all times and must not be closer than 3 feet of the fence.

iii. All Fire Hydrants shall have a clear line of site, with a path at least (10) feet wide straight to the front of the hydrant from the roadway.

b. *Enforcement Related to Obstruction to Town Water Systems.*

i. If an obstruction exists in violation of section 5(a), the Town of Monroe shall notify the owner of such property and notify him or her of such violation.

ii. Upon receiving written notice such violation, the property owner shall have no more than ten (10) days to correct any such violation.

iii. A property owner's failure to correct any such violation may result in a representative of the Town of Monroe correcting such violation, including, but not limited to, removing certain and/or trimming foliage as well as moving or removing structures.

Section 5. Disconnection Procedures (Requests; Notice; Late Payments; Exemptions).

a. *Request for Disconnection from Town Water System.* If a homeowner, landlord, or business owner requests a shutoff of the Town Water System to their property for any reason, a fee of Seventy-Five and 00/100 Dollars (\$75.00) shall be applied. A courtesy shutoff will be given to anyone that needs one. If the water is shutoff because there is not a shut off valve inside the residence, one must be installed while the water is off. If there is a reason for a shutoff after that, a Seventy-Five and 00/100 Dollars (\$75.00) shall be applied.

b. *Disconnections For Which Property Owner is Not Responsible.* If a water shutoff is required for reasons outside of the property owner's control (i.e. a valve or meter will not close, or other mechanical issues), no fee will be assessed to the property owner. A courtesy shutoff will be given to anyone that needs one. If the water is shutoff because there is not a shut off valve inside the residence, one must be installed while the water is off. If there is a reason for a shutoff after that, a Seventy-Five and 00/100 Dollars (\$75.00) shall be applied.

c. *Disconnect Notices.* A disconnect notice will be posted at the entrance of any property that is sixty (60) days delinquent on its Town Water System payments. Such Disconnect Notices will alert the property owner or landlord that such property's Town Water System payments must be paid in full within ten (10) days. Failure to bring the property's Town Water System payment current within that time frame will result in that property's water being shut off. The property owner or landlord will then be required to pay the amounts owed in full plus a reconnect fee of Seventy-Five and 00/100 Dollars (\$75.00) to

establish water use. If payment cannot be made in full within those (10) days, contact must be made to the clerk and an arrangement must be made to get the account current. Failure to hold to the agreement will result in shutoff of the water and a reconnect fee of Seventy-Five and 00/100 Dollars (\$75.00) will be enforced to establish water use.

- d. *Late Payments.* Any property owner or landlord receiving a Disconnect Notice, shall pay the full amount owed by credit card, cash, or money order. Personal checks will not be accepted. All payments shall be issued to the Clerk-Treasurer for the Town of Monroe.
- e. *Enforcement Regarding Delinquent Payments.* The Town Board reserves the right to pursue any outstanding amounts owed by property owners or landlords in any manner authorized by law, including, but not limited to the institution of litigation against the offending party.
- f. *Disconnection Exemptions.* No fees will be assessed to properties that require water shut-off as a part of the winterization process, including the following properties: Monroe Youth League facilities; the Tabernacle; Adams County 4-H facilities; Adams Central seasonal sports facilities. If other properties arise in the future, they will be handled on a case by case basis. Disconnections for houses that are being winterized by Holding Companies or banks, are subject to a \$75.00 disconnection fee.

Section 6. Town Water System Fee Exemptions. The following properties are exempt from fees related to use of the Town Water System:

- a. Monroe Volunteer Fire Department;
- b. Adams County 4-H Facilities (during winterized months);
- c. The Tabernacle (during winterized months);
- d. The Monroe Youth League facilities (during winterized months); and
- e. All facilities owned by the Town of Monroe.

A meter fee will be assessed to all users of the water system, whether the water is on or off. That fee is based on the rates set by the Town's financial advisors and approved by the Town board.

Section 6. Repeal. This Ordinance shall replace and repeal Ordinance No. 2022-2.

Section 7. Severability. If any section, provision, or part of this Ordinance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 8. Effective Date. This Ordinance shall be effective after its publication pursuant to Indiana Code § 5-3-1.

Duly adopted by the Town Board of the Town of Monroe, Adams County, Indiana at its regular meeting on this ____ day of _____, 2024, with the following vote of _____ Yes and _____ Nays.

Town Board for the Town of Monroe,
County of Adams, State of Indiana

David Bard
David Bard, Town Board Member

Josh Geerken
Josh Geerken, Town Board Member

Mike Geels
Mike Geels, Town Board President

ATTEST:

Rachel Tague
Rachel Tague, Monroe Clerk-Treasurer