

**AN ORDINANCE PERMITTING
ADJUSTMENTS TO WATER AND SEWER BILLS
DUE TO UNDETECTED
WATER LEAKS**

Ordinance No. 4 of 2019

WHEREAS, the Town Council of the Town of Francesville, Indiana (the “**Town Council**”), is responsible for the performance of various functions for the Town of Francesville (the “**Town**”), which includes providing water and sewer/wastewater services to Town residents; and

WHEREAS, the Town is also responsible for the collection of fees associated with the operation of its Town Water and Wastewater services, and provided water services to Town residents; and

WHEREAS, notwithstanding Ind. Code § 8-1-2-103, and pursuant to Ind. Code § 8-1.5-3.5-3, the Town may adjust an unusually large bill if the excess usage reflected in the bill is caused by physical damage to any facility or equipment supply water to the premises and the damage; and

WHEREAS, the Town Council also desires that, pursuant to Ind. Code § 36-9-23-25, in addition to an abatement of water charges, the Town Council may also adjust wastewater charges, if the excess usage is due to the same leak that caused to the unusually large water bill.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Francesville, Indiana, that this Ordinance Permitting Adjustments to Water and Sewer Bills Due to Undetected Water Leaks, is hereby adopted as follows:

SECTION I.

Leak Adjustments for Loss
to Water and Sewer Bills

1. **Purpose.** The purpose of this Ordinance is to provide a basis for Town Utilities to adjust high bills caused by underground leaks in water lines or equipment on users’ property that users could not reasonably have known with normal diligence, as approved by Ind. Code § 8-1.5-3.5-3, and allowed pursuant to § 36-9-23-25, and to relieve possible financial hardship on residents and businesses caused by no fault of their own.

2. **Definitions.** The following definitions shall apply throughout this Ordinance:

- (A) “Unusually large bill” shall mean a residential water bill that reflects monthly water usage, in whatever units measured, that is at least Two Hundred Percent (200%) of the customer’s average monthly usage over the preceding twelve (12) months, or of the previous full billing period, if no history exists.

- (B) “Utility” shall mean either the Water or Sewer/Wastewater utility, owned and operated by the Town of Francesville.

3. **Threshold Considerations.** Leak adjustments to water and sewer/wastewater bills will be considered when all of the following threshold conditions have been met:

- (A) Water use volume is Two Hundred Percent (200%) of previous twelve (12) months average usage history, or the previous full billing period, if no history exists.
- (B) A Town Utility employee verifies the leak, and the customer requesting the adjustment provides written documentation in the form of a bill with a detailed statement of repairs from a licensed plumber, or a signed affidavit by the customer requesting the adjustment that states the leak has been repaired.
- (C) The customer requesting the adjustment must submit a “Request for Water/Sewer Leak Adjustment Form” in writing, no later than thirty (30) days after the repair work has been performed.
- (D) The account in question must not be delinquent, excepting therefrom the month in which the leak has caused the delinquency or unusually high bill.
- (E) The customer requesting the adjustment has not received an adjustment within the last twelve (12) months.
- (F) Car washes do not receive a discount on monthly sewer charges.
- (G) The Town Council shall disallow requests for adjustment when the water leak is due to lack of proper maintenance or negligence by the customer requesting the adjustment, in the sole and absolute discretion of the Town Council.

4. **Water Leak Adjustments.** The Town Council may adjust a water and sewer bill resulting from a leak, provided those criteria as set forth in Section 3 have been followed, as follows:

- (A) If water leaking does not go directly into the Town’s sewer system, the Town Council may reduce the water and sewer/wastewater bill by one-third (1/3) and bill for the remaining gallons.
- (B) If water leaking does enter the Town’s sewer system, the water flowing through the meter shall be reduced by one-third (1/3) and billed. The sewer/wastewater bill shall be based upon the adjusted water billing.

SECTION II.
Effective Date

This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code § 5-3-1-4.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FRANCESVILLE INDIANA, THIS 18th DAY OF FEBRUARY, 2019.

THE FRANCESVILLE, INDIANA, TOWN COUNCIL

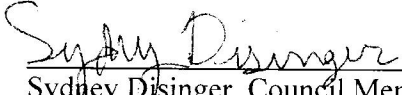
APPROVED:

OPPOSED:



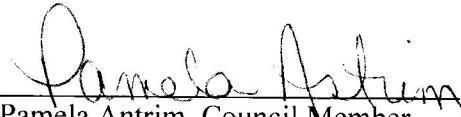
Lynn Johns, President

Lynn Johns, President



Sydney Disinger, Council Member


Sydney Disinger, Council Member



Pamela Antrim, Council Member

Pamela Antrim, Council Member

ATTEST:



Cathy Elston, Clerk-Treasurer