

**TITLE V: PUBLIC UTILITIES**

Chapter

**50. GARBAGE AND TRASH**

**51. WATER**

**52. SEWERS**

**53. ELECTRIC SERVICE**

**54. STORMWATER UTILITY**





**CHAPTER 50: GARBAGE AND TRASH**

Section

***General Provisions***

[Reserved for future legislation]

***Trash Hauling***

- 50.20 Private collectors; permit; fee
- 50.21 Required equipment
- 50.22 License refusal
- 50.23 Deposit of material at public dumping grounds
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- 50.99 Penalty

***GENERAL PROVISIONS***

[Reserved for future legislation]

***TRASH HAULING***

**§ 50.20 PRIVATE COLLECTORS; PERMIT; FEE.**

(A) No person shall engage in the business of hauling any ashes, trash or debris over or along any of the streets or alleys of the town, without first having applied for and obtaining a license to do so from the Town Clerk-Treasurer.

(B) The deposit for such license shall be \$75, payable at the time of the filing of the application.

(C) The license shall remain in effect for a period of one year and may be reissued for additional one-year periods without making an additional deposit extension period provided such deposit remains on file in the office of the Clerk-Treasurer.

('66 Code, § 7.04.010) (Ord. 1-64, passed 5-12-64) Penalty, see § 50.99

***Cross-reference:***

*Civil penalty schedule, see § 36.04*

**§ 50.21 REQUIRED EQUIPMENT.**

No person shall haul any ashes, trash or debris over or along any of the streets or alleys of the town in any vehicle which shall not have adequate facilities for hauling trash and said vehicle shall keep all trash covered except during the time of loading and unloading.  
(‘66 Code, § 7.04.020) (Ord. 1-64, passed 5-12-64) Penalty, see § 50.99

**§ 50.22 LICENSE REFUSAL.**

The Town Council shall have the right to refuse a license to any person who shall not have the equipment required by § 50.21 or who shall have been convicted of a violation of any section of this subchapter.  
(‘66 Code, § 7.04.030) (Ord. 1-64, passed 5-12-64)

**§ 50.23 DEPOSIT OF MATERIAL AT PUBLIC DUMPING GROUNDS.**

All ashes, trash and debris hauled by any person shall be deposited at a public dumping grounds regulated by the town or designated by the Town Council.  
(‘66 Code, § 7.04.040) (Ord. 1-64, passed 5-12-64) Penalty, see § 50.99

**§ 50.24 SCATTERING OF MATERIAL.**

No person hauling ashes, trash or debris over or along the streets or alleys of the town shall permit the same or part thereof to scatter on or along any of the said streets or alleys.  
(‘66 Code, § 7.04.050) (Ord. 1-64, passed 5-12-64) Penalty, see § 50.99

**§ 50.99 PENALTY.**

Whoever violates any provision of §§ 50.20 through 50.24 shall be fined \$10 for the first offense and \$25 for each subsequent offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. (See Civil Penalty Schedule in § 36.04)  
(‘66 Code, § 7.04.060) (Ord. 1-64, passed 5-12-64; Am. Ord. 4-90, passed 12-18-90)

**CHAPTER 51: WATER**

Section

***General Provisions***

51.01 Addition of fluoride to water

***Rates and Charges***

- 51.15 Water rates
- 51.16 Tapping fees
- 51.17 Temporary users
- 51.18 Collection or deferred payment charge
- 51.19 Payment procedures
- 51.20 Utility deposit

***GENERAL PROVISIONS***

**§ 51.01 ADDITION OF FLUORIDE TO WATER.**

(A) *Approval of plans and specifications.* The Waterworks Superintendent is authorized and directed to have plans and specifications prepared for the purchases and installation of equipment to add (sodium fluoride) to the water being distributed by the city water works, and to submit them to the State Board of Health for approval. ('66 Code, § C.6.40.010)

(B) *Addition of fluoride approved.* Upon the approval of these plans and specifications by the State Board of Health, such equipment and supplies shall be purchased and installed in the manner provided by state law, and that thereupon the fluoride compound shall be added to the public water supply in sufficient quantities to bring the total amount of fluoride ions (F-) present in the finished water to the optimum concentration recommended by the State Board of Health but not exceeding 1.5 parts per million by weight. ('66 Code, § C.6.40.020)  
(Res. passed 9-20-77)

***RATES AND CHARGES***

**§ 51.15 WATER RATES.**

(A) There shall be and there are hereby established for the use of and the service rendered by the waterworks system of the town the following rates and charges, based on the use of water supplied by the waterworks system:



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<b>Monthly Rates &amp; Charges</b>	
<b>Water Usage (in cubic feet)</b>	<b>Rate per 100 cubic feet</b>
First 500	\$ 1.36
Next 1,500	1.24
Next 2,500	1.02
Next 7,500	.88
Next 18,000	.73
Next 30,000	.58

(B) *Minimum Charge.* Each user shall pay a minimum charge in accordance with the size of meter installed, for which the user will be entitled to the quantity of water set forth in the metered schedule of rates.

<b>Minimum Charge</b>	
<b>Meter Size (in inches)</b>	<b>Rate per Month</b>
3/4	\$ 6.78
1	12.69
1½	21.89
2	29.18
3	51.07
4	58.36
6	87.54

(C) *Fire Hydrant Rental.*

<b>Type</b>	<b>Rate per Year</b>
Municipal hydrant	\$ 226.15
Private hydrant	226.15
Automatic sprinkler	226.15

('66 Code, § C.6.44.010) (Ord. 5-79, passed 7-3-79; Am. Ord. 11-79, passed - -79)

**§ 51.16 TAPPING FEES.**

(A) Each user, in advance of the time he is connected with the waterworks system, shall pay a minimum tapping fee for a 3/4-inch tap of \$230 to cover the cost of tapping the main, furnishing and laying service pipe, corporation and stop cocks, service and meter box, meter and installing the meter.

(B) Each user, in advance of the time he is connected with the waterworks system, shall pay a minimum tapping fee for larger than a 3/4-inch tap a sum of money equal to the actual cost of such connection. In no event shall such connection charge be less than \$230.  
(‘66 Code, § C.6.44.020) (Ord. 5-79, passed 7-3-79)

**§ 51.17 TEMPORARY USERS.**

Water furnished to temporary users, such as contractors, circuses and the like, shall be charged for on the basis of the above quantity rates as established by the Waterworks Superintendent.  
(‘66 Code, § C.6.44.030) (Ord. 5-79, passed 7-3-79)

**§ 51.18 COLLECTION OR DEFERRED PAYMENT CHARGE.**

All bills for water service paid within 15 days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of 10% on the first \$3 and 3% on the excess over \$3.  
(‘66 Code, § C.6.44.040) (Ord. 5-79, passed 7-3-79)

**§ 51.19 PAYMENT PROCEDURES.**

(A) Customers of the Middletown Utilities pay on a monthly basis and must pay in full by the fifteenth of the month. Those accounts not paid by the fifteenth of the month will be charged late charges at the rate set by the Indiana Utility Regulatory Commission.

(B) Customers who have not paid their current utility bills by the fifteenth of each month will be delinquent and will be notified that the delinquent bill must be paid within ten days unless an agreement is made with the utility office. Normal procedure for that agreement is to pay current billing plus an agreed upon amount on a regular schedule to catch up the delinquent amount. If the agreement is broken, service will be disconnected without notice.

(C) Project Safe customers will have 30 days to pay their account in full or sign an agreement with the utility office. Failure to keep the agreement will be cause for disconnect (After March 15).

(D) Any utility customer who has a problem with paying his bill may contact the utility company and sign an agreement. However, failure to keep that agreement will place customer in default and service will be disconnected.

(E) There will be a \$25 reconnect fee charged by the Middletown Utilities for services that are disconnected for nonpayment. Reconnection of service will only be done during business hours of 9:00 a.m. to 5:00 p.m. on Monday through Friday. Utilities will not be disconnected on Fridays.



(F) All bad checks received by the town in its Utility Office, or otherwise, shall carry a \$20 bad check fee, which shall be automatically charged by the town on each such check.  
(Ord. 14-92, passed 6-2-92; Am. Ord. 8-1-2000-1, passed 9-5-00)

**§ 51.20 UTILITY DEPOSIT.**

(A) A refundable utility deposit of \$25 shall be paid by new users or new customers of the town utilities prior to the installation of a meter and commencement of service.

(B) This deposit shall be refunded to the customer upon termination of service provided that all bills are paid current and the utility has suffered no damage to its property. In the event there is an outstanding bill for utility service or a charge for damaged property, the town may offset that charge against the deposit and refund any remainder. In the event the deposit is not sufficient to satisfy said outstanding balance, the town may pursue the deficiency through any legal means available to it at law or in equity.

(C) Upon the establishment of a utility account, and payment of the deposit, the customer shall provide the town with a statement acknowledging responsibility for the payment of all charges in a timely manner. The customer shall further provide the utility with:

(1) The customer's name;

(2) Mailing address; and

(3) Any other information which the Clerk-Treasurer and the utility department deem necessary in order to open an account.

(D) Any refunds of this deposit shall be made after written request for same is made by the customer on a form provided by the town. Refunds may only be made to the customer or those having legal authority to receive same in the customer's stead.  
(Ord. 2-2003, passed 2-4-03)



## CHAPTER 52: SEWERS

### Section

#### ***General Provisions***

- 52.01 Responsibility of wastewater plant
- 52.02 Annexation

#### ***Rates and Charges***

- 52.15 Rates and charges to be collected from customers
- 52.16 Rates
- 52.17 Charge for water used in manufacturing processes and the like
- 52.18 Town has right to base charges on certain criteria
- 52.19 Payment procedures
- 52.20 Utility deposit

### **GENERAL PROVISIONS**

#### **§ 52.01 RESPONSIBILITY OF WASTEWATER PLANT.**

The town accepts responsibility for its own Wastewater Treatment Plant.  
(‘66 Code, § C.6.36.010) (Res. passed 6-21-88)

#### **§ 52.02 ANNEXATION.**

(A) Any corporation, firm, property owner, person or other entity shall first present their detailed plans and specifications of such projects to the town for its review and approval.

(1) Such corporation, firm, property owner, person or other entity shall first present their detailed plans and specifications of such project to the town for its review and approval.

(2) Such plans shall be reviewed by the town and may be referred by such town to an outside engineering firm for consultation and advice, the cost of which shall be paid for by the entity so requesting the town's water or sewer services.

(3) Thereafter, upon petition by such corporation, firm, property owner, person or other entity for annexation, the town shall prepare an annexation ordinance annexing said project into the town.



(B) No corporation, firm, property owner, person or other entity shall be furnished, hooked onto or served by town servers or water facilities without first having petitioned the town to have such property annexed to the town in accordance with this subchapter and IC 36-4-3-1 et seq. (Ord. 5-8-96-1, passed 5-8-96)

***RATES AND CHARGES***

**§ 52.15 RATES AND CHARGES TO BE COLLECTED FROM CUSTOMERS.**

For the use of and the services rendered by the sewage works, rates and charges shall be collected from the owner of each and every lot, parcel of real estate or building that is connected with the town's sanitary sewage system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the town, which rates and charges are payable as hereinafter provided and shall be in an amount determinable as follows in this subchapter. ('66 Code, § D.6.48.010) (Ord. 2-60, passed 3-16-60)

**§ 52.16 RATES.**

The sewage rates and charges shall be based upon the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use, except as otherwise provided in this subchapter. Sewage service rates, based upon the amount of water used, shall be as follows:

<b><i>Monthly Rates &amp; Charges</i></b>	
<b><i>Water Usage (in cubic feet)</i></b>	<b><i>Rate per 100 cubic feet</i></b>
First 500	\$ 2.25
Next 1,500	1.95
Next 2,500	1.80
Next 7,500	1.50
Next 18,000	1.20
Next 30,000	.90

(B) The minimum charge for sewage services, where the user is a metered water consumer, shall be based on the size of such water meter and shall be as follows:



<i>Minimum Charge</i>	
<i>Meter Size (in inches)</i>	<i>Rate per Month</i>
5/8 and under	\$ 9.00
1	20.25
1½	33.00
2	48.00
3	75.00
4	99.00
6	141.00

(C) The minimum charge for sewage services where the user is not a metered water customer shall be based on the size of the sewage service connection, but in any event such charge shall not be less than the corresponding minimum monthly water meter charge as set forth in division (B) of this section.

('66 Code, § D.6.48.020 A. - C.) (Ord. 2-60, passed 3-16-60; Am. Ord. 3-83, passed 7-5-83)

**§ 52.17 CHARGE FOR WATER USED IN MANUFACTURING PROCESSES AND THE LIKE.**

In the case of water which is used in the process of manufacture, or for other purposes, not discharged into the public sanitary sewers, the town shall have the right to determine the amount discharged into the public sanitary sewers in such manner as the Town Council shall elect, and the sewage treatment service shall be billed accordingly.

('66 Code, § D.6.48.020 D.) (Ord. 3-59, passed 10-7-59)

**§ 52.18 TOWN HAS RIGHT TO BASE CHARGES ON CERTAIN CRITERIA.**

The town shall have the right to base its charges not only on volume but also on strength and character of the sewage and wastes which it is required to treat and dispose of, and the right to determine the strength and character of sewage in such manner and by such method as it may find practicable.

('66 Code, § D.6.48.020 E.) (Ord. 3-59, passed 10-7-59)

**§ 52.19 PAYMENT PROCEDURES.**

(A) Customers of the Middletown Utilities pay on a monthly basis and must pay in full by the fifteenth of the month. Those accounts not paid by the fifteenth of the month will be charged late charges at the rate set by the Indiana Utility Regulatory Commission.

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(B) Customers who have not paid their current utility bills by the fifteenth of each month will be delinquent and will be notified that the delinquent bill must be paid within ten days unless an agreement is made with the utility office. Normal procedure for that agreement is to pay current billing plus an agreed upon amount on a regular schedule to catch up the delinquent amount. If the agreement is broken, service will be disconnected without notice.

(C) Project Safe customers will have 30 days to pay their account in full or sign an agreement with the utility office. Failure to keep the agreement will be cause for disconnect (After March 15).

(D) Any utility customer who has a problem with paying his bill may contact the utility company and sign an agreement. However, failure to keep that agreement will place customer in default and service will be disconnected.

(E) There will be a \$25 reconnect fee charged by the Middletown Utilities for services that are disconnected for nonpayment. Reconnection of service will only be done during business hours of 9:00 a.m. to 5:00 p.m. on Monday through Friday. Utilities will not be disconnected on Fridays.

(F) All bad checks received by the town in its Utility Office, or otherwise, shall carry a \$20 bad check fee, which shall be automatically charged by the town on each such check.  
(Ord. 14-92, passed 6-2-92; Am. Ord. 8-1-2000-1, passed 9-5-00)

#### **§ 52.20 UTILITY DEPOSIT.**

(A) A refundable utility deposit of \$75 shall be paid by new users or new customers of the town utilities prior to the installation of a meter and commencement of service.

(B) This deposit shall be refunded to the customer upon termination of service provided that all bills are paid current and the utility has suffered no damage to its property. In the event there is an outstanding bill for utility service or a charge for damaged property, the town may offset that charge against the deposit and refund any remainder. In the event the deposit is not sufficient to satisfy said outstanding balance, the town may pursue the deficiency through any legal means available to it at law or in equity.

(C) Upon the establishment of a utility account, and payment of the deposit, the customer shall provide the town with a statement acknowledging responsibility for the payment of all charges in a timely manner. The customer shall further provide the utility with:

(1) The customer's name;

(2) Mailing address; and

(3) Any other information which the Clerk-Treasurer and the utility department deem necessary in order to open an account.

(D) Any refunds of this deposit shall be made after written request for same is made by the customer on a form provided by the town. Refunds may only be made to the customer or those having legal authority to receive same in the customer's stead.  
(Ord. 2-2003, passed 2-4-03)

**CHAPTER 53: ELECTRIC SERVICE**

Section

***General Provisions***

- 53.01 Service connections — in general
- 53.02 Overhead service connections
- 53.03 Underground service connections — residential customers
- 53.04 Underground service connections — commercial customers, apartment houses and the like
- 53.05 Underground residential subdivision distribution facilities except for apartments and trailer parks
- 53.06 Other underground distribution facilities

***Electric Rates***

- 53.15 Schedule 1 — electric residential service
- 53.16 Schedule 2 - commercial and/or small power and light service
- 53.17 Schedule 3 - electric municipal service a
- 53.18 Schedule 4 - optional residential space heating and air conditioning
- 53.19 Schedule 5 - public street lighting service
- 53.20 Rate adjustment
- 53.21 Payment procedures
- 53.22 Utility deposit

***Cross-reference:***

*IMPA Commissioner appointed, see § 31.15*

***GENERAL PROVISIONS***

**§ 53.01 SERVICE CONNECTIONS — IN GENERAL.**

(A) The town shall install, own, and maintain the service lines from its facilities to the customer's meter on underground services.

(B) The town shall install, own, and maintain the electric distribution system. ('66 Code, § B.6.12.020 E.)

(B) Any changes made in service connections at the customer's request, after the original installation, shall be at the customer's expense.

('66 Code, § B.6.12.010 E.,F.)

(Ord. 11-73, passed 12-4-73)

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**§ 53.02 OVERHEAD SERVICE CONNECTIONS.**

The town will designate the point at which the service lines will be connected to the customer's facilities. The customer's wires, at the point of connection with the town's lines, if service is overhead, shall extend at least three feet beyond the outer end of any conduit, weatherproof fitting, or insulator in order to facilitate this connection.

('66 Code, § B.6.12.010 A.) (Ord. 11-73, passed 12-4-73)

**§ 53.03 UNDERGROUND SERVICE CONNECTIONS — RESIDENTIAL CUSTOMERS.**

(A) A residential customer desiring an underground service which is to be connected to an overhead distribution system of the town shall at his own expense provide a conduit riser of a size designated by the town below the meter base to a depth below grade as required by the town. In addition, the customer shall make a nonrefundable contribution in aid of construction to the town in an amount equal to the product of the route of the proposed line distance in feet from the base of the town's riser pole to a point directly below the customer's meter multiplied by \$1.20. Such amount shall be paid to the town by the customer prior to actual construction of the service.

(B) A residential customer desiring an underground service which is to be connected to an underground distribution system of the town shall at his own expense provide a conduit riser of a size designated by the town below the meter base to a depth below grade as required by the town. In addition, the customer shall make a nonrefundable contribution in aid of construction to the town in an amount equal to the product of the route of the proposed line distance in feet from the termination of the town's facilities at the front or rear property line to a point directly below the customer's meter base multiplied by \$.75. Such amount shall be paid to the town by the customer prior to actual construction of the service.

('66 Code, § B.6.12.010 B., C.) (Ord. 11-73, passed 12-4-73)

**§ 53.04 UNDERGROUND SERVICE CONNECTIONS — COMMERCIAL CUSTOMERS, APARTMENT HOUSES AND THE LIKE.**

Underground service lines to a commercial customer, apartment house, apartment house complexes, or group of adjacent such customers whether served from the overhead distribution system of the town or an adjacent underground distribution system of the town will be available at an additional charge to the customer. A nonrefundable contribution in aid of construction to the town by the customer(s) shall be made in an amount equal to the estimated difference in installed cost between underground and overhead construction. Such amount shall be paid to the town by the customer(s) prior to actual construction of any underground service lines.

('66 Code, § B.6.12.010 D.) (Ord. 11-73, passed 12-4-73)

**§ 53.05 UNDERGROUND RESIDENTIAL SUBDIVISION DISTRIBUTION FACILITIES EXCEPT FOR APARTMENTS AND TRAILER PARKS.**

(A) For the construction of an underground electric distribution system (15,000 volts or less to ground for wye connected systems) in new residential subdivision or an existing residential subdivision in which electric distribution facilities have not already been constructed, the owner or developer of such subdivision(s) shall be required to make a nonrefundable contribution in aid of construction to the town

in an amount equal to the work order trench-foot measurement multiplied by \$1.50, which amount shall be considered to be the difference in cost between overhead and direct burial underground facilities. Such contribution in aid of construction shall be paid to the town by the owner or developer prior to actual construction of the underground system.

(B) The construction provided for in the \$1.50 per trench-foot contribution in aid of construction includes the extension of electric distribution facilities to the lot line of each lot in the underground service area of the subdivision.

(C) The developer or owner of any residential subdivision which is to be served by underground electric distribution facilities shall furnish to the town free of charge to the town drawings and prints and at least one "sepia" print or equivalent which indicates plotted lots, sewers, water lines, and any other pertinent data relative to the construction of underground electric distribution facilities by the town. The developer or owner shall furnish free of charge to the town all necessary easements required by the town for the construction and maintenance of an underground electric distribution facility.

(D) For complete underground electric primary and secondary service in a plot of ground there shall be a minimum of eight plotted lots.  
(‘66 Code, § B.6.12.020 A. - D.) (Ord. 11-73, passed 12-4-73)

**§ 53.06 OTHER UNDERGROUND DISTRIBUTION FACILITIES.**

All classes of electric service except those specified in § 53.05 are available from the town at an additional charge to the customer. A nonrefundable contribution in aid of construction to the town by the customer(s) shall be made in an amount equal to the estimated difference in installed cost between underground and overhead construction. Such amount shall be paid to the town by the customer(s) prior to actual construction of any underground facilities.  
(‘66 Code, § B.6.12.030) (Ord. 11-73, passed 12-4-73)

***ELECTRIC RATES***

**§ 53.15 SCHEDULE 1 — ELECTRIC RESIDENTIAL SERVICE.**

(A) *Availability.* Available through one meter for residential service, including lighting, household appliances, refrigeration, cooking, water heating, space heating and small motors not exceeding three horsepower individual capacity.

(B) *Character of Service.* Alternating current, 60 Hertz, single phase at a voltage of approximately 120 volts two-wire, or 120/240 volts three-wire.

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(C) *Rate.*

<b><i>Electric Service</i></b>	<b><i>Rate per Month</i></b>
Customer charge	\$ 2.24
First 200 KWH	.642 per KWH
Next 800 KWH	.531 per KWH
Over 1,000 KWH	.4486 per KWH
Rates subject to adjustment, see § 53.20	

(D) *Water Heater Service.* (Not Applicable to the first 200 KWH per month.) The availability of water heater service is in the process of elimination and is withdrawn except for customers being served hereunder prior to December 13, 1984, and will not be applicable to any future customers. If service hereunder is at any time discontinued at the customer's option, water heater service shall not again be available.

(1) Where a customer has installed and in regular use an electric water heater with a capacity of at least 30 gallons, the next 400 KWH per month in excess of 200 KWH shall be billed at a rate of \$.4648 per KWH.

(2) Where a customer occupying a mobile home or trailer has installed and in regular use an electric water heater with a capacity less than 30 gallons, the next 100 KWH per month in excess of 200 KWH shall be billed at a rate of \$.4648 per KWH.

(E) *Minimum Charge.* The minimum charge shall be the customer charge. ('66 Code, § B.6.28.010) (Ord. 1-85, passed 1-8-85)

**§ 53.16 SCHEDULE 2 - COMMERCIAL AND/OR SMALL POWER AND LIGHT SERVICE.**

(A) *Availability.* Available to any customer for light and/or power purposes. Customer must be located on or adjacent to an electric distribution line of the utility which is adequate and suitable for supplying the service rendered.

(B) *Character of Service.* Alternating current, 60 Hertz, at any standard single phase and/or polyphase voltage supplied by the utility in the locality for which the service is requested.

(C) *Rate.*

<b><i>Electric Service</i></b>	<b><i>Rate per Month</i></b>
Customer charge	\$ 3.25 for single phase 5.00 for three phase
First 300 KWH	.612 per KWH

<i><b>Electric Service</b></i>	<i><b>Rate per Month</b></i>
Next 2,200 KWH	.557 per KWH
Next 2,500 KWH	.507 per KWH
Over 5,000 KWH	.447 per KWH
Rates subject to adjustment, see § 53.20	

(D) *Minimum charge.*

(1) The minimum charge shall be the customer charge for single phase service and shall be for polyphase service \$1.40 per horsepower or fraction thereof for the first five horsepower of the connected load and \$.70 per horsepower or fraction thereof for all connected power load in excess of five horsepower.

(2) Connected power load shall be the sum of:

(a) The horsepower rating of all connected motors; and

(b) The rated input capacity of all power equipment other than motors, each kilovolt-ampere of such input rating being considered as one horsepower of connected load. (*POWER LOAD* is defined as electricity used for any purpose other than lighting.)  
('66 Code, § B.6.28.020) (Ord. 1-85, passed 1-8-85)

**§ 53.17 SCHEDULE 3 - ELECTRIC MUNICIPAL SERVICE A.**

(A) *Availability.* Available to any metered municipal customer for light and/or power purposes. Customer must be located on or adjacent to an electric distribution line of the utility which is adequate and suitable for supplying the service required.

(B) *Character of Service.* Alternating current, 60 Hertz, at any standard single phase and/or polyphase voltage supplied by utility in the locality for which the service is requested.

(C) *Rate.*

<i><b>Electric Service</b></i>	<i><b>Rate per Month</b></i>
Customer charge	\$ 3.00
First 100 KWH	.577 per KWH
Next 900 KWH	.503 per KWH
Over 1,000 KWH	.452 per KWH
Rates subject to adjustment, see § 53.20	

(D) *Minimum Charge.* The minimum charge shall be the customer charge.  
('66 Code, § B.6.28.030) (Ord. 1-85, passed 1-8-85)

**§ 53.18 SCHEDULE 4 - OPTIONAL RESIDENTIAL SPACE HEATING AND AIR CONDITIONING.**

This Schedule 4 is in the process of elimination and is withdrawn except for customers served hereunder prior to December 13, 1984, and will not be applicable to any future customers. If service hereunder is at any time discontinued at the customer's option, this schedule shall not again be available.

(A) *Availability.* Available only for continuous year-round service to residential customers in private dwellings and to individually metered apartments where electricity is used hereunder for complete space heating, air conditioning, water heating, cooking and all other residential uses of energy.

(B) *Character of Service.* Alternating current, 60 Hertz, single phase at a voltage of approximately 120 volts two-wire, or 120/240 volts three-wire.

(C) *Rate.*

<i>Electric Service</i>	<i>Rate per Month</i>
Customer charge	\$ 3.00
First 300 KWH	15.50
Next 1,200 KWH	.4760 per KWH
Over 1,500 KWH	.4369 per KWH
Rates subject to adjustment, see § 53.20	

(D) *Minimum Charge.* The minimum charge shall be 18.50 per month.  
('66 Code, § B.6.28.040) (Ord. 1-85, passed 1-8-85)

**§ 53.19 SCHEDULE 5 - PUBLIC STREET LIGHTING SERVICE.**

(A) *Availability.* Available for any standard overhead public street lighting service.

(B) *Character of Service.* Public street lighting service using lamps available under this schedule.

(C) *Rate.*

<i>Type of Lamp</i>	<i>Rate per Lamp per Year</i>
175 watt mercury vapor	\$ 68.76
400 watt mercury vapor	110.88

(D) *Hours of lighting.* All lamps shall burn approximately one-half hour after sunset until approximately one-half hour before sunrise each day in the year, approximately 4,000 hours per annum.

('66 Code, § B.6.28.050) (Ord. 1-85, passed 1-8-85)

**§ 53.20 RATE ADJUSTMENT.**

The rate adjustment in Rate Schedules 1, 2, 3, and 4 shall be on the basis of a Purchase Power Cost Adjustment Tracking Factor occasioned solely by changes in the cost of purchased power and energy, in accordance with the order of the Public Service Commission of Indiana, approved May 2, 1984 in Cause No. 36835-S2 as follows:

Rate adjustment applicable to the rate schedules listed in this subchapter: \$0.002186 per KWH per month.

('66 Code, § B.6.28.060) (Ord. 1-85, passed 1-8-85)

**§ 53.21 PAYMENT PROCEDURES.**

(A) Customers of the Middletown Utilities pay on a monthly basis and must pay in full by the fifteenth of the month. Those accounts not paid by the fifteenth of the month will be charged late charges at the rate set by the Indiana Utility Regulatory Commission.

(B) Customers who have not paid their current utility bills by the fifteenth of each month will be delinquent and will be notified that the delinquent bill must be paid within ten days unless an agreement is made with the utility office. Normal procedure for that agreement is to pay current billing plus an agreed upon amount on a regular schedule to catch up the delinquent amount. If the agreement is broken, service will be disconnected without notice.

(C) Project Safe customers will have 30 days to pay their account in full or sign an agreement with the utility office. Failure to keep the agreement will be cause for disconnect (After March 15).

(D) Any utility customer who has a problem with paying his bill may contact the utility company and sign an agreement. However, failure to keep that agreement will place customer in default and service will be disconnected.

(E) There will be a \$25 reconnect fee charged by the Middletown Utilities for services that are disconnected for nonpayment. Reconnection of service will only be done during business hours of 9:00 a.m. to 5:00 p.m. on Monday through Friday. Utilities will not be disconnected on Fridays.

(F) All bad checks received by the town in its Utility Office, or otherwise, shall carry a \$20 bad check fee, which shall be automatically charged by the town on each such check.

(Ord. 14-92, passed 6-2-92; Am. Ord. 8-1-2000-1, passed 9-5-00)

**§ 53.22 UTILITY DEPOSIT.**

(A) A refundable utility deposit shall be paid by new users or new customers of the town utilities prior to the installation of a meter and commencement of service:

- (1) Total electric service to residence: \$80;
- (2) Electric service to a residence with gas heat: \$50.

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(B) This deposit shall be refunded to the customer upon termination of service provided that all bills are paid current and the utility has suffered no damage to its property. In the event there is an outstanding bill for utility service or a charge for damaged property, the town may offset that charge against the deposit and refund any remainder. In the event the deposit is not sufficient to satisfy said outstanding balance, the town may pursue the deficiency through any legal means available to it at law or in equity.

(C) Upon the establishment of a utility account, and payment of the deposit, the customer shall provide the town with a statement acknowledging responsibility for the payment of all charges in a timely manner. The customer shall further provide the utility with:

(1) The customer's name;

(2) Mailing address; and

(3) Any other information which the Clerk-Treasurer and the utility department deem necessary in order to open an account.

(D) Any refunds of this deposit shall be made after written request for same is made by the customer on a form provided by the town. Refunds may only be made to the customer or those having legal authority to receive same in the customer's stead.

(Ord. 2-2003, passed 2-4-03)

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## CHAPTER 54: STORMWATER UTILITY

### Section

54.01	Purpose and intent
54.02	Definitions
54.03	Creation of stormwater utility
54.04	Governing board
54.05	Creation of non-reverting Stormwater Utility Cumulative Fund
54.06	Stormwater utility user fee
54.07	Stormwater utility user fee structure
54.08	Schedule of rates
54.09	Billing and payment; penalties

### § 54.01 PURPOSE AND INTENT.

The purpose and intent of this chapter is to promote the health, safety and general welfare of the inhabitants of the Town of Middletown, Indiana by establishing a stormwater utility sufficient to plan, control, operate and maintain the town's stormwater management system.  
(Ord. 8-17-04, passed 10-19-04)

### § 54.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning (words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary.) The word "may" is permissive.

**APPROVED PLANS.** Plans approved by the authorized official according to a permit and plan review which will govern all improvements made within the town that require a stormwater system or changes or alterations to the existing stormwater system.

**AUTHORIZED OFFICIAL.** Any employee or agent of the town authorized in writing by the Board to administer or enforce the provisions of this chapter.

**BOARD.** The Town Council acting as the Board of Public Works and Safety pursuant to IC 36-1-2-24.

**CLASSIFICATION PROCEDURE.** The method that the town uses to determine the classification of non-residential parcels may take the following forms or any combination thereof.

(1) Computation of the parcel size, pavement area, roof area, or other area using on-site measurements of the apparent outside boundaries of the parcel or impervious area in or on such developed parcel, respectively, made by the town or on its behalf.

(2) Computation of the parcel size, pavement area, roof are, or other area using the dimensions of the parcel or impervious area in or on the parcels which are set forth and contained in the records of the office of the County Assessor or Township Assessor.

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(3) Computation of the parcel size, pavement are, roof area, or other area using aerial photography or photogrammetry, or using the information data from on-side measurements of like or similar property or features or as contained in the records of the Town or County.

(4) Computation of the parcel size, pavement area, roof area, or other area using data provided by the owner, tenant or developer. The authorized official may require additional information as necessary to make the determination.

**CODE.** The Town of Middletown, Indiana Municipal Code.

**COMPOSITE COVERAGE VALUE.** The result of calculations as determined by the town that multiplies pavement areas times 0.90, roof areas times 1.00, and other areas times 0.20 and then divides the sum of three by the total area of a particular parcel. Pavement areas include aggregate, asphalt, brick, concrete, etc. that may be used for pedestrian or vehicular traffic. Roof areas include any above ground structure. Other areas include lawns, open water, woods, etc.

**COVERAGE FACTOR.** The part of the non-residential rate equation representing the relative amount of impervious area on a particular parcel. For purposes of this chapter, each non-residential parcel shall be assigned one of the following coverage factor categories as determined by the town in accordance with the classification procedure:

(1) **LOW.** The composite coverage value is equal to or less than 0.5. **LOW** coverage factor is hereby established as 2.0.

(2) **HIGH.** The composite coverage value is more than 0.5. **HIGH** coverage factor is hereby established as 3.0.

**NON-DEVELOPED PROPERTY.** Non-developed property shall be a lot or parcel of land which is vacant or is used for agricultural purposes. This does not include parking lots, athletic fields, front, back or side lawns, or lots which are used as accessory lots to residential property or non-residential property.

**NON-RESIDENTIAL PROPERTY.** All properties not encompassed within the definition of residential property, including but not limited to: commercial, industrial, retail, multi-family residential, governmental, institutional, schools and churches.

**RESIDENTIAL PROPERTY.** Any lot or parcel existing in the town on which a single building or mobile home is situated, containing up to and including four dwelling units.

**SIZE FACTOR.** The part of the non-residential rate equation representing the relative amount of surface area on a particular parcel. All surface area calculations shall be rounded to the nearest 1/10 of one acre. For purposes of this chapter, each non-residential parcel shall be assigned one of the following size factor categories as determined by the town:

(1) **SMALL.** A particular parcel is made up of equal to or less than 1.0 acres. **SMALL** size factor is hereby established as 1.0.

(2) **MEDIUM.** A particular parcel is made up of more than 1.0 acres but less than 5.0 acres. **MEDIUM** size factor is hereby established as 3.0.

(3) **LARGE.** A particular parcel is made of more than 5.0 acres. **LARGE** size factor is hereby established as 5.5.

**STORMWATER.** The chemical compound of hydrogen and oxygen which is produced from atmospheric clouds as rain, snow, sleet, and hail.

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**STORMWATER SYSTEM.** All constructed facilities, including structures and natural watercourses under the ownership, and/or control of the town, used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, streets, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Henry County Drainage Board or waters of the State of Indiana.

**STORMWATER UTILITY.** A division of the Sewage Works as defined in IC 36-9-1-8(8) and (12).

**STORMWATER UTILITY USER.** The owner of a lot or parcel within the town.

**SURFACE WATER.** Water occurring on the surface of the land, from natural causes such as rainfall, whether falling on the land in question or flowing onto the land in question.

**TOWN.** The incorporated town of Middletown, Henry County, Indiana.  
(Ord. 8-17-04, passed 10-19-04)

**§ 54.03 CREATION OF STORMWATER UTILITY.**

A stormwater utility is hereby created as part of the Middletown Sewage Works. Said utility shall be responsible for all storm sewers and the collection and disposal of storm drainage. Said utility shall also be responsible for the implementation of all federal and state mandates regarding stormwater drainage and erosion control.  
(Ord. 8-17-04, passed 10-19-04)

**§ 54.04 GOVERNING BOARD.**

(A) The utility shall be governed by the Town Council acting as the Board of Public Works and Safety. This utility shall have the same governing board as that which governs the Sewage Works established in Chapter 52 of the Middletown Town Code.

(B) Area served by stormwater utility. The corporate limits of the Town of Middletown, Indiana, and all others who are served by the Sewage Works of the Town of Middletown, Indiana.

(C) Powers and duties of utility. The Town Council acting as the Board of Public Works and Safety shall have all those powers and duties provided by such boards by Title 36 of the Indiana Code and more specifically but not limited to the following:

- (1) The power to enter into contracts.
- (2) The power to employ professionals.
- (3) The power to construct, maintain, and improve the stormwater utility structures.

(4) The power to make plans and ordinances regarding the collection and disposal of stormwater within the town.

(5) The power to pass ordinances as provided for by Title 36 which impose just, reasonable and equitable fees or service charges for those who utilize the stormwater system and penalties to those who violate provisions of ordinances established for stormwater control and drainage. (Ord. 8-17-04, passed 10-19-04)

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### **§ 54.05 CREATION OF NON-REVERTING STORMWATER UTILITY CUMULATIVE FUND.**

(A) A non-reverting Stormwater Utility Cumulative Fund is hereby created. All proceeds received as a result of user fees and charges or penalties assessed by this chapter or subsequent amendments hereto shall be deposited in a non-reverting cumulative stormwater utility fund. Proceeds from this non-reverting fund, shall be for the exclusive use of the town's stormwater utility, which includes, but is not limited to, the following:

- (1) Stormwater management services, such as studies, design, permit review, plan preparation and development review.
- (2) Operation, maintenance, repair and replacement of the stormwater collection, storage, conveyance, and/or treatment infrastructure.
- (3) Project costs related to constructing major or minor structural improvements to the town's stormwater-related infrastructure.
- (4) Administrative costs associated with the management of the stormwater utility user fee.
- (5) Debt service financing of the town's stormwater-related capital improvements.
- (6) Funding of studies such as water quantity and quality monitoring, aerial photography, and geotechnical work associated with the planning of the stormwater-related infrastructure.

(B) This would include but be not limited to the implementation of long range stormwater plans developed and approved by the Indiana Department of Environmental Management for elimination of combined sewer overflows and the construction of stormwater drains and sewers and maintain same within the town limits and the area served by the sewage works. All such expenditures for both capital and operating expenses must be first approved by the Town Council. (Ord. 8-17-04, passed 10-19-04)

### **§ 54.06 STORMWATER UTILITY USER FEE.**

A stormwater utility user fee shall be imposed on each and every lot or parcel of the of real property within the Town of Middletown, Indiana including those classified as non-profit or tax exempt, for services and facilities provided by the stormwater utility. This user fee is deemed reasonable and necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system of the town. (Ord. 8-17-04, passed 10-19-04)

### **§ 54.07 STORMWATER UTILITY USER FEE STRUCTURE.**

For the purposes stated herein, there is hereby assessed a stormwater utility user fee to each stormwater utility user within the corporate limits of the town, in an amount as determined below. For purposes of imposing the stormwater utility user fee, all lots and parcels within the town are classified

as either:

(A) Residential;

(B) Non-residential; or

(C) Non-developed property.

(Ord. 8-17-04, passed 10-19-04)

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### **§ 54.08 SCHEDULE OF RATES.**

(A) The monthly stormwater utility user fee for all developed residential properties within the town shall be \$6. The Common Council, from time to time, by ordinance may amend the monthly charge established in this section.

(B) Until such time that the town completes the classification procedure, the monthly stormwater utility user fee imposed for non-residential properties as defined herein shall be \$12. Upon the town's completion of the classification procedure, the monthly stormwater utility user fee imposed for non-residential properties as defined herein shall be coverage factor X size factor X \$6.

(C) Until such time that the town completes the classification procedure, the monthly stormwater utility user fee imposed for non-developed properties as defined herein shall be \$3. Upon the town's completion of the classification procedure, the monthly stormwater utility user fee imposed for non-developed properties as defined herein shall be 0.25 X low coverage factor X size factor X \$6, that is being equal to 25% of the low coverage non-residential size classification.

(Ord. 8-17-04, passed 10-19-04)

### **§ 54.09 BILLING AND PAYMENT; PENALTIES.**

(A) Bills or statements for the stormwater utility user fee shall be rendered monthly, in accordance with they regular sewage utility billing cycle, by the utility billing division of the town for all properties subject to the fee. Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth for the sewer utility. Any partial payment of a combined utility bill shall be applied first to the stormwater utility user fee. Any unpaid stormwater utility user fees shall constitute a lien on such property except the liens of sate, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such lien, when delinquent for more than 30 days, may be foreclosed by the town in the manner provided by the laws of Indiana for the foreclosure of mortgages on real property.

(B) For properties normally receiving monthly utility bills for other town services, the stormwater utility user fee shall be included in the monthly sewage utility bill rendered to the established customer.

(C) For properties not receiving monthly utility bills for other town services, the bill or statement for the stormwater utility user fee shall be sent to the stormwater utility user as determined from the tax rolls. The Director may render annual, semiannual, or monthly billings, to be billed in arrears, to coincide with the property tax schedule, on such properties if determined to be the best interest of the town.

(D) The owner of a property is ultimately responsible for all fees imposed under this chapter.  
(Ord. 8-17-04, passed 10-19-04)

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