

ORDINANCE NO. 2017-04

**AN ORDINANCE ESTABLISHING THE TOWN OF NASHVILLE'S
WATER SERVICE AREA AND REGULATING THE
FURNISHING OF WATER THEREIN**

WHEREAS, the Town of Nashville, Indiana (the "Town") owns and operates the Town of Nashville Water Utility; and

WHEREAS, Ind. Code § 8-1.5-2-3 authorizes the Town to own, acquire and construct utility facilities within six (6) miles of its corporate boundaries or in any location within Brown County, Indiana; and

WHEREAS, Ind. Code § 36-9-2-14 permits a municipality to regulate the furnishing of water to the public; and

WHEREAS, Ind. Code § 36-9-2-18 permits a municipality to exercise powers granted by Ind. Code § 36-9-2-14 in areas within four (4) miles outside its corporate boundaries; and

WHEREAS, Ind. Code § 8-1.5-6, *et seq.* permits the Town to adopt a "regulatory ordinance" which is then submitted to the Indiana Utility Regulatory Commission ("IURC") for its review and approval and said regulatory ordinance allows the municipality to regulate the furnishing of water utility service in areas within four (4) miles outside the Town's corporate boundaries; and

WHEREAS, the Town wishes to establish a specific water service territory in an area that is within four (4) miles of its corporate boundaries as permitted by Indiana law, excluding any area where another utility has pipes in the ground and is ready, willing, and able to serve the property immediately adjacent thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF NASHVILLE, INDIANA, that:

Section 1. While the Town currently serves customers more than four (4) miles beyond its municipal boundaries, the Town of Nashville Water Service Area for purposes of this Ordinance is defined and established as those areas within the corporate boundaries of the Town, as well as certain areas within four (4) miles outside the Town's boundaries as shown on the attached map marked as Exhibit A.

Section 2. Upon adoption of this Ordinance and its approval by the IURC, the Town shall hold an exclusive license to furnish potable water service within the Town of Nashville Water Service Area, and the Town of Nashville Water Utility shall be the exclusive provider of potable water to the public within the Town of Nashville Water Service Area.

Section 3. Upon adoption of this Ordinance and its approval by the IURC, no other utilities are permitted to provide potable water service within the Town, or within the Town of Nashville Water Service Area. This Ordinance does not mandate the Town to extend service to areas where technically or financially not feasible. Rather, this Ordinance expressly prohibits other utilities from furnishing water service to customers within the Town's municipal limits or within the Town of Nashville Water Service Area.

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Section 4. No end service user shall permit a connection to potable water service within the Town of Nashville Water Service Area by any other water service provider.

Section 5. Any person, firm, or corporation that violates this Ordinance shall be subject to a civil penalty of Two Thousand (\$2,000) Dollars per violation, and each day of violation shall be deemed a separate violation.

Section 6. The Town's existing rules and regulations for water service as amended from time to time shall apply to and within the Town of Nashville Water Service Area.

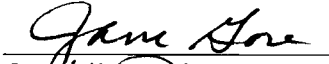
Section 7. If any one or more of the terms, provisions, or sentences of this Ordinance, or portions of the Town of Nashville Water Service Area, shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Ordinance.


Section 8. The Town hereby authorizes its Town Manager and/or Council President to pursue any and all necessary approvals for implementation, effectiveness, and enforcement of this Ordinance, including, but not limited to, seeking approval of this Ordinance by the IURC.


Section 9. This Ordinance is not in any way intended to: (i) curtail the service of other utilities that have pipes in the ground with sufficient capacity to serve those properties; or (ii) include any areas within the Town of Nashville Water Service Area that are already served by other water utilities. Accordingly, the boundaries for the Town of Nashville Water Service Area have been drawn to exclude areas in which other utilities have water pipes in the ground that are being used to serve customers in that area.

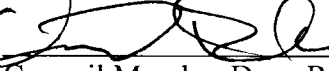
PASSED AND ADOPTED by the Nashville Town Council this 15th day of MAY 2017.


Council Member Charles B. King ☒ yea ☐ nay ☐ abstain

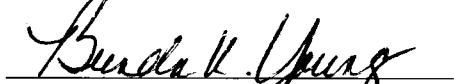

Council Member Jane Gore ☒ yea ☐ nay ☐ abstain


Council Member Alisha Jacoba ☒ yea ☐ nay ☐ abstain


Council Member Arthur Omberg ☒ yea ☐ nay ☐ abstain


Council Member Dave Rudd ☒ yea ☐ nay ☐ abstain

ATTEST:


Clerk-Treasurer, Brenda K. Young

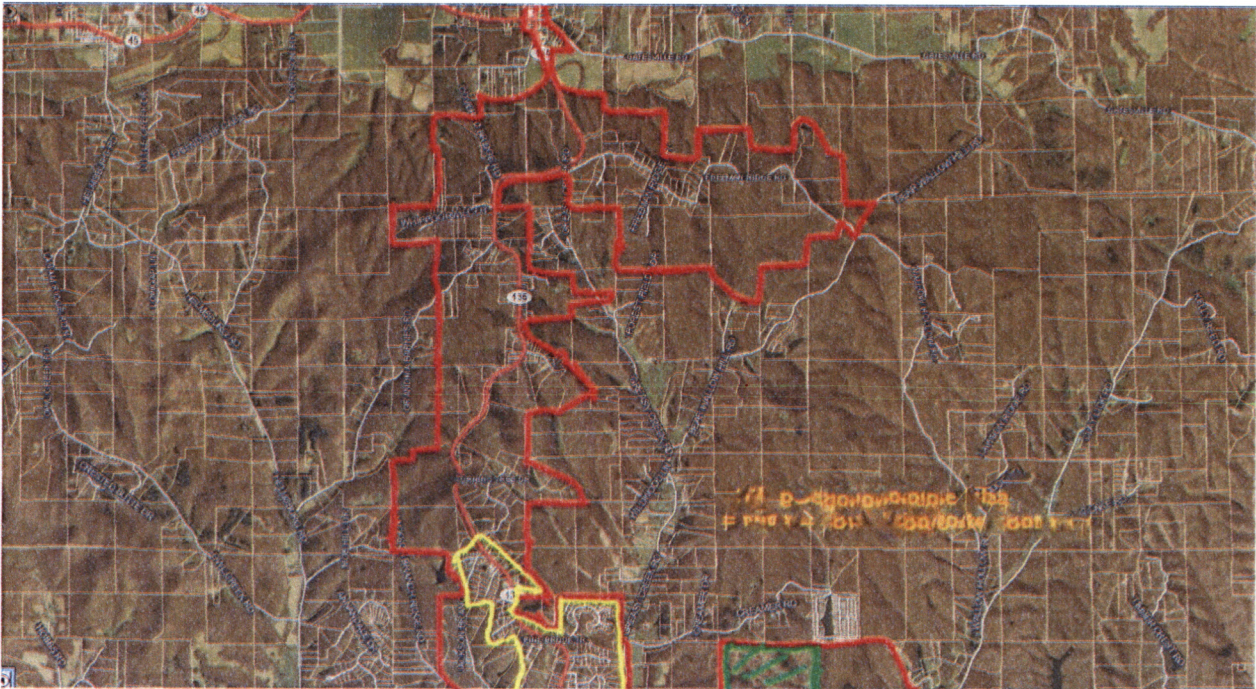
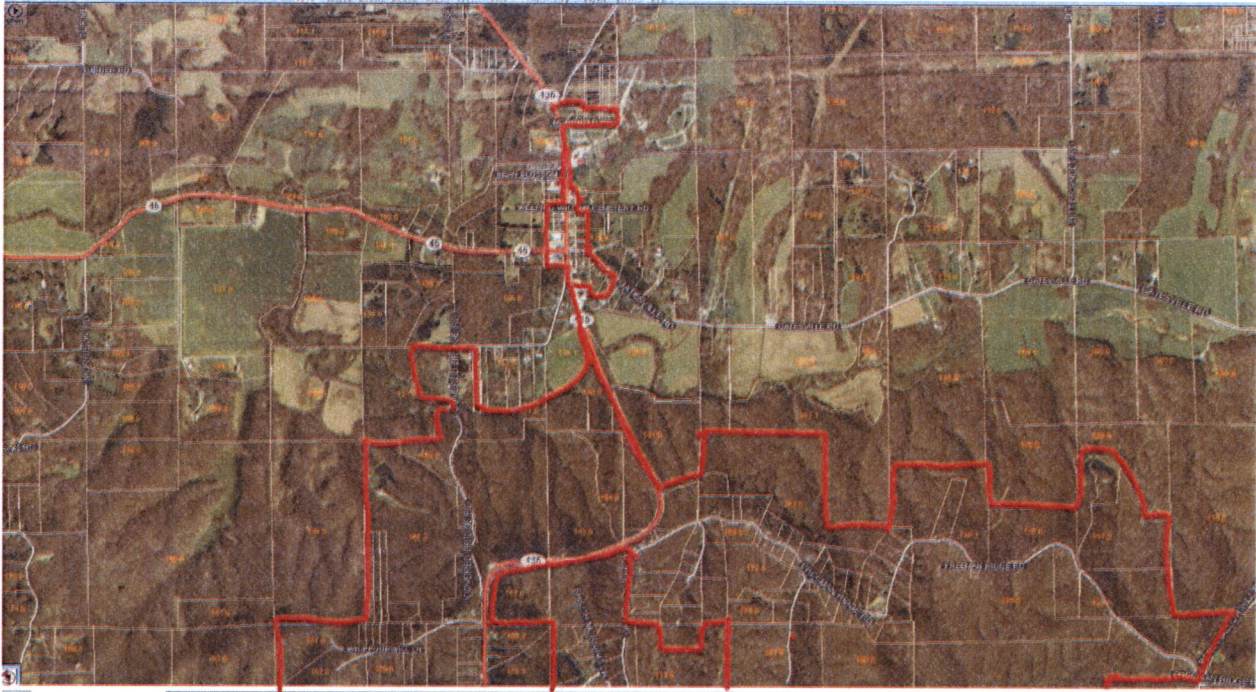
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Exhibit A

Town of Nashville Water Service Area

For Purposes of Ordinance No. 2017-4

Red = Service Territory Yellow = Town Corporate Boundary
Blue = Recently Annexed Area Green = New Service Area



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Exhibit A con't.

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