

ORDINANCE NO. 2023-08

AN ORDINANCE TO AMEND THE PROCEDURE FOR ADJUSTMENT OF UTILITY BILLS IN THE TOWN OF NASHVILLE, INDIANA

WHEREAS, to relieve financial hardship on customers, the Town Council has provided some relief for catastrophic loss of water due to undetected leaks. The relief is in accordance with IC 8-1.5-3.5-3 and 5-4 noted below. Water utility bill adjustments are available to residential customers only. Residential and commercial customers are eligible for sewer bill adjustments. **This ordinance invalidates all previous ordinance(s) or adjustment protocol(s).**

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, INDIANA AS FOLLOWS:

A. WATER BILL ADJUSTMENTS FOR UNDETECTED LEAKS

Leak Adjustment Guidelines

An adjustment to the water consumption portion of an unusually high bill will be considered only and when all the following threshold conditions have been met:

- Account holder or designee receives a residential water bill that reflects a monthly billing period water consumption volume which is 200% greater than the average monthly consumption (AMC); See D. ADJUSTMENT CALCULATION BELOW
- Adjustments will be considered for no more than two billing periods per leak incident;
- A water bill leak adjustment shall not be allowed for unusually large bills due to any faulty or leaking device or facility that is interior to or under any building, including but not limited to toilets, faucets, interior fixtures, water heaters, exposed pipes, and equipment, hydrants or faucets left on, or damage to such caused by weather events;
- Account holder or designee demonstrates, and Nashville Municipal Utilities verifies to its satisfaction:
 - a) the excessive usage is attributable to a leak or physical damage to a pipe, equipment or facility supplying water that is exterior to any building;
 - b) **the damage** is not visible or detectable on the account holder's premises, except by excavation or some other form of demolition or similar disturbance to the premises; (See IC 8-1.5-3.5-3 noted below)
 - c) **the damage** is not the result of an act or omission of the property owner, account holder or designee, an agent, contractor, or tenant of the account holder, including lack of proper maintenance, negligence, or accidental incident;

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- d) the account holder or designee submits a "Request for Water Leak Adjustment" to the Nashville Municipal Utilities office within 60 days from the last day of any affected billing period;
- e) account holder or designee provides satisfactory evidence, or such evidence is available through Nashville Municipal Utilities verifying the leak or damaged facilities have been either properly repaired and/or that the leak has ceased;
- f) The affected account must not be delinquent. An approved payment plan agreed upon by the account holder does not constitute delinquency;
- g) The account has not received a leak adjustment within the previous twelve (12) months.

B. SEWER BILL ADJUSTMENTS FOR UNDETECTED LEAKS

For residential or commercial accounts when all the above threshold conditions and stipulations are met and Nashville Municipal Utilities verifies to its satisfaction leaked water did not enter the sanitary sewer system, a corresponding adjustment to the sewer portion of the utility bill will be allowed.

Sewer adjustments will also be allowed for residential or commercial accounts for high water/non-sewer uses over a minimum of 5000 gallons, such as filling pools or power washing. The account holder or designee must use a Nashville Municipal Utilities provided portable meter to account for such uses. These meters may be checked out at the Nashville Town Hall for any current published fee for such use.

C. PROCEDURES TO REQUEST AN ADJUSTMENT

Customers desiring an adjustment must apply for a water leak adjustment by completing a "Request for Water Leak Adjustment" form approved by the Nashville Utility Service Board and return it to the Nashville Municipal Utilities Billing office, within sixty days from the last day of any affected billing period. The request will be logged by the Town Clerk or his/her designee. The request will be reviewed in accordance with these ordained guidelines to determine an adjustment, if any. Any proposed adjustment will be presented to The Nashville Municipal Utilities Water and Sewer Operator or his/her designee for review. The request and proposed adjustment will be presented to the Nashville Utility Service Board for final approval/disapproval. A copy of the approval/disapproval will be communicated to the account holder.

D. ADJUSTMENT CALCULATION

If **all Leak Adjustment Guideline items have been met**, leak adjustments will be issued as follows:

The unusually large water bill(s) shall be adjusted to equal the retail charge for the account's AMC plus the wholesale cost of consumption determined to be due to the leak in the affected billing period(s). The AMC is determined as follows:

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The average monthly consumption, AMC is based upon the average of the previous twelve full billing periods. For a qualifying leak that results in unusually high consumption for two consecutive months, Nashville Municipal Utilities retains an option to calculate the AMC using the higher consumption of the two affected billing periods and eliminating the other high consumption month from the average calculation. If a twelve-month history of full billing periods is not available, the AMC will be the average of the number of full billing periods available. If no full billing period history exists as in new accounts, the AMC will be calculated as follows: the number of days of active water supply will be multiplied by the number of adults (over 18 years of age) in the household. That number will be multiplied by 82 gallons, the average number of gallons used per person per day, as published by the Environmental Protection Agency. <https://www.epa.gov/watersense/statistics-and-facts>

A corresponding adjustment will be calculated using the AMC to any sewer portion of the utility bill(s).

Adjustments will be applied as a credit to the next available billing period invoice(s) or repaid by check or ACH payment at the discretion of Nashville Municipal Utilities or its designee(s).

May it hereby also be made known:

Accounts that serve customers or tenants occupying the served premises for less than 30 days are considered commercial accounts. Accounts that serve two or more tenants occupying the served premises for more than 30 days are considered commercial accounts. Accounts held by tenants are considered residential accounts. Example: A non-owner-occupied duplex or an apartment complex with 2 or more units is considered a commercial account.

Nashville Municipal Utilities highly recommends all account holders establish a regular maintenance schedule for all plumbing fixtures, supply lines, pressure reducers, faucets, toilets, sprinkler systems and all other facilities utilizing Nashville Municipal Utilities services.

Indiana Code noted above:

IC 8-1.5-3.5-3 Utility's discretion to adjust unusually large bill when excess usage caused by undetectable damage to equipment

Sec. 3. Notwithstanding [IC 8-1-2-103\(a\)](#), a utility may adjust an unusually large bill if the excess usage reflected in the bill is caused by physical damage to any facility or equipment supplying water to the premises and the damage:

- (1) is not visible or detectable on the customer's premises except upon excavation or some other disturbance of the property; and
- (2) is not the result of an act of the customer, or of any agent or contractor hired by the customer.

As added by P.L.53-2004, SEC.1.

IC 8-1.5-3.5-4 Adjustments to be in accordance with policies adopted by utility

Sec. 4. A utility that elects to adjust unusually large bills must do so in accordance with policies adopted by the utility. The utility's policies must specify the procedures by which a customer may request an adjustment and prove the damage described in section 3 of this chapter.

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PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE,
BROWN COUNTY, INDIANA, THIS 15th DAY OF JUNE, 2023.

ATTEST:

Brenda K. Young
Clerk-Treasurer, Brenda K. Young

Jane Gore
President Jane Gore

☒ yea ☐ nay ☐ abstain

Tyra Miller
Vice-President Tyra Miller

☒ yea ☐ nay ☐ abstain

Anna Hofstetter
Council Member Anna Hofstetter

☒ yea ☐ nay ☐ abstain

Dave Rudd
Council Member Dave Rudd

☒ yea ☐ nay ☐ abstain

Wanda E. Jones
Wanda E. Jones, Town Attorney

Andi Wilson
Council Member Andi Wilson

☒ yea ☐ nay ☐ abstain