

## CHAPTER 52: WATER

Section

### *General Provisions*

- [52.01](#) Fluoridation
- [52.02](#) Well water regulations where public water supply available
- [52.03](#) Ground water restriction

### *Lake Michigan Water*

- [52.20](#) Provision of Lake Michigan water
- [52.21](#) Request format
- [52.22](#) Project prioritization process
- [52.23](#) Pro-rata share paid by benefitted property owners
- [52.24](#) Assessment of pro-rata share
- [52.25](#) Amount paid by city
- [52.26](#) Mandatory reimbursement to city prior to subdivision approval
- [52.27](#) Prioritization criteria

### **GENERAL PROVISIONS**

#### **§ 52.01 FLUORIDATION.**

The Gary-Hobart Water Corporation shall provide the means for and proceed with the addition of sufficient quantities of fluoride compound to the public water supply to bring the total amount of fluoride ions present in the finished water to the optimum concentration recommended by the state's Board of Health, but never exceeding 1-1/2 parts per million by weight. (Prior Code, § 23-1) (Ord. 532, § 1)

#### **§ 52.02 WELL WATER REGULATIONS WHERE PUBLIC WATER SUPPLY AVAILABLE.**

It shall be unlawful for the owner of any residential or commercial property which has immediate access to the public water supply to permit the installation of a well water system on the property unless the following conditions are met. It shall be unlawful for both a well water system and a public water supply system to be operable on the same residential and commercial property unless there is a back flow prevention device installed at the public water supply

connection by a licensed plumber and inspected and permitted by the City of Hobart. The back flow prevention device shall be tested periodically in accordance with the rules determined by the Indiana American Water Company or its successors. Any installation of wells shall comply with all Board of Health regulations and permitting requirements.

(Ord. 2006-40 (as amended), § 1)

**§ 52.03 GROUND WATER RESTRICTION.**

(A) This section applies only to the geographic area of the City within the following boundaries: Commencing at the intersection of the Eastern shore of Lake George with the center line of Front Street extended; thence Northeasterly along the center line of Front Street to the West bank of Duck Creek; thence Northwesterly along the West bank of Duck Creek to the South bank of Deep River, thence Southwesterly along the South bank of Deep River to the Lake George Dam; thence Southwesterly across the Lake George Dam to the Eastern shore of Lake George, thence Southeasterly along the Eastern shore of Lake George to the point of beginning. Such geographic area shall be referred to in this section as the “restricted area.”

(B) Private water wells for human and domestic purposes within the restricted area are hereby prohibited. Occupants or users of real property within the restricted area must be connected to the public water supply utility.

(C) Any private water well within the restricted area existing as of the date of the taking effect of this section, or thereafter, must be disconnected from the water supply system and such disconnection of the well must be inspected and approved by the Building Commissioner of the City.

(D) Any use of private water wells within the restricted area after the taking effect of this section shall constitute a violation thereof, and shall be subject to penalty in the form of a fine not to exceed \$2,500.00 for each violation. Each day such use shall occur or continue shall constitute a new and separate violation, and shall be subject to additional fine, each such day’s fine not to exceed \$2,500.00.

(E) The City of Hobart, acting by and through the Clerk-Treasurer, shall provide written notice to the Indiana Department of Environmental Management at least 60 days before the amendment or repeal of this ordinance and no later than 30 days after the passage, amendment or repeal of this ordinance. Written notice shall be sent to the following address:

IDEM, Office of Land Quality  
Remediation Services Branch  
Attn: Branch Chief  
IGCN Suite 1101  
100 N. Senate Ave.  
Indianapolis, IN 46204-2251

(Ord. 2013-09, § 1)

**LAKE MICHIGAN WATER**

**§ 52.20 PROVISION OF LAKE MICHIGAN WATER.**

The purpose of this policy is to uniformly and consistently respond to citizen requests for assistance from the City of Hobart (hereinafter referred to as “city”) in obtaining Lake Michigan water provided by the Northwest Indiana Water Company (hereafter referred to as “Northwest”). This policy attempts to balance the provision of a uniform level of water service for all citizens of the city, while at the same time establish a meaningful system of prioritization in light of budget limitations.

(Ord. 97-52, § 23-2)

**§ 52.21 REQUEST FORMAT.**

When residents of a particular area express an interest in receiving Lake Michigan Water they must file an application for such using forms prescribed by and available at the City Engineer’s office. The forms shall contain sufficient information to prioritize the request with others to determine a project ranking. The forms shall contain information including but not limited to the following:

(A) Vicinity of the area requesting service;

(B) Total number of households, businesses, or industry in the area;

(C) Number of households from the area requesting service indicated by a signature and address on the petition page of the application;

(D) The identification of a spokesperson or liaison for the area requesting service to represent the neighborhood at meetings and receive communication from the city as to the disposition of the request; and

(E) Number of residents with water pressure or water quality problems including test results to substantiate the claims.

(Ord. 97-52, § 23-3)

**§ 52.22 PROJECT PRIORITIZATION PROCESS.**

(A) After an application is filed by a requesting neighborhood, the City Engineer shall provide a fire protection ranking of the area after carefully identifying the number, location, and water output capacity of the fire hydrants.

(B) The City Engineer shall attempt to substantiate or refute claims of poor water quality and/or pressure.

(C) The City Engineer shall attach a recommended ranking for the priority of the water request, along with a cost estimate of the needed improvement.

## Hobart – Public Works

(D) The City Engineer shall provide a report of his or her findings to the Board of Public Works and Safety.

(E) The Board of Public Works and Safety shall rank the project along with other necessary public works projects in a Capital Improvements Program (CIP) comprising a program year plus 5 future years. Each year projects completed during the program year shall be removed from the CIP, and another year added.

(F) Prior to being added to the CIP, each project must have a cost estimate, prioritization ranking, timetable, and source of revenue identified. Each project in the CIP must be approved by the City Council.

(G) No project shall be advanced for inclusion in the CIP without the recommendation of the Board of Public Works and Safety, and no project included in the CIP shall be funded and built without the approval of the City Council.

(H) The city shall enter into a water main extension agreement with Northwest for the construction and installation of water improvement projects listed in the CIP which have been approved by the City Council and for which the benefitted property owners have paid their pro-rata share to the city.

(I) The water main extension agreement shall be solely between the city and Northwest. The city shall pay to Northwest the amount of the construction and installation costs for the project required by the main extension rules of Northwest and the rules and regulations of the Indiana Utility Regulatory Commission. The payment to Northwest shall be made up of the pro-rata share paid by the benefitted property owners and the additional amount which the city will pay from city funds under this policy.  
(Ord. 97-52, § 23-4)

### **§ 52.23 PRO-RATA SHARE PAID BY BENEFITTED PROPERTY OWNERS.**

(A) All water improvement projects which work their way up the priority list in the CIP must include pro-rata shares paid by benefitted property owners sufficient to cover the cost of the project above the amount paid by the city.

(B) The pro-rata share shall not be a mandatory special assessment unless the owners of 70% or more of the benefitted properties agree to participate.

(C) The pro-rata share shall be paid to the city by the benefitted property owner in a lump sum in advance of the city authorizing the work to commence.

(D) At its discretion the city may, but is not required to, secure a promise to pay from a benefitted property owner, advance the benefitted property owner's pro-rata share for the project, and then receive reimbursement pursuant to a pre-approved installment payment schedule as described in [§ 52.24](#) below.  
(Ord. 97-52, § 23-5)

**§ 52.24 ASSESSMENT OF PRO-RATA SHARE.**

(A) If 70% or more of the benefitted property owners contiguous to the route of the proposed water main extension are favorable to paying the pro-rata share, then payment shall be mandatory for all benefitted property owners contiguous to the route.

(B) If fewer than 70% of the benefitted property owners contiguous to the route of the proposed water main extension are favorable to paying the pro-rata share, then payment shall be voluntary for all benefitted property owners contiguous to the route. Under this condition, the city shall pay no amount toward the project.

(C) If payment of the pro-rata share is mandatory, the Board of Public Works and Safety on a case by case basis shall determine the method of assessment used in order to raise the amount not paid by the city. Since each water request is unique, the Board of Public Works and Safety shall determine the method of mandatory assessment at the time the project moves to the top of the priority list.

(D) The methods used for the assessment may include the following:

- (1) Per foot of frontage along the route of the main;
- (2) Per improved property, equal assessment;
- (3) Per area of each lot served;
- (4) Estimated consumption; and
- (5) Any combination of the above.

(E) Lots separated from the water main by easements or rights-of-way shall be considered contiguous for purposes of assessment.

(F) Properties with multiple contiguous frontages shall be assessed based on the average lot dimension of the 2 contiguous frontages.

(G) In addition to being responsible for the pro-rata share for the water main extension installation, each benefitted property owner shall be responsible for paying all costs associated with the connection from the water main to the private facility intending to use water.

(H) In the case of extreme financial hardship as determined by the Board of Public Works and Safety, the pro-rata share for the water main installation may be paid to the city by installment payments. The owners of a benefitted property seeking installment payments must file with the Clerk-Treasurer an application for installment payments which shall include verification that the benefitted property owners lack available funds to pay the pro-rata share in a lump sum. The application shall be reviewed by the Clerk-Treasurer for sufficiency. If the application for installment payments is approved by the Board of Public Works and Safety, all owner of record shall execute a promissory note and recordable real estate mortgage securing payment of the promissory note using the benefitted real property as security for payment. The promissory note shall be for a term no longer than 48 months and shall be at an annual interest rate equal to 8% per annum.

(I) The owners of developed and undeveloped property benefitted by the water main installation project shall pay the pro-rata share as a mandatory special assessment to the City of Hobart. Failure to pay the pro-rata share in advance of the city authorizing the work to commence shall subject the owners of the benefitted property to liability for the pro-rata share, interest at 8% per annum from the date due and reasonable attorney fees for all action to collect the obligation. Any judgment obtained against the benefitted property owners for the pro-rata share, interest and attorney fees shall be recorded as a lien upon the real estate benefitted by the water main extension project.  
(Ord. 97-52, § 23-6)

**§ 52.25 AMOUNT PAID BY CITY.**

(A) The city shall pay a maximum amount of 50% of the cost of a resident requested water improvement project. The city shall pay this maximum amount whenever an approved water improvement project is constructed in an area where 50% or more of the property served (measured either by frontage or area) is vacant and developable.

(B) If less than 50% of the property served is vacant and developable, the amount of a resident requested water improvement project which the city shall pay shall be the same as the percentage of the vacant and developable property to a minimum of 20% of the cost of the resident requested water improvement project.  
(Ord. 97-52, § 23-7)

**§ 52.26 MANDATORY REIMBURSEMENT TO CITY PRIOR TO SUBDIVISION APPROVAL.**

(A) In cases where vacant unsubdivided property is served by a new water improvement, the owners of the property shall be obligated to reimburse the city the pro-rata share of the cost of the improvement, based upon the method used to assess the pro-rata share prior to the property receiving final subdivision approval.

(B) The amount of the obligation shall be increased annually until paid, by an amount equivalent to 80% of the consumer price index, to account for the increased value of the improvement.  
(Ord. 97-52, § 23-8)

**§ 52.27 PRIORITIZATION CRITERIA.**

Resident initiated water improvement projects shall be prioritized along with other necessary public works projects using the following criteria in order of importance:

- (A) Water quality health related;
- (B) Fire protection needs;
- (C) Cost/benefit analysis;
- (D) Percentage of developable property and likelihood of development;

**Water**

(E) Water quality aesthetic related; and

(F) Progression.

(Ord. 97-52, § 23-9)

