

ORDINANCE NO. 2026-6

**AN ORDINANCE OF THE TOWN OF WESTPORT, INDIANA, ESTABLISHING
WATER AND SEWER CONNECTION STANDARDS, ESTABLISHING A WATER TAP
FEE, AND AMENDING ALL CONFLICTING ORDINANCES**

WHEREAS, Indiana Code 36-1-3 and Indiana Code 36-5-2-9 authorize the Town Council of the Town of Westport, Indiana ("Town") to exercise the powers necessary to perform the Town's functions and to adopt ordinances for the government of the Town; and

WHEREAS, the Town owns and operates municipal waterworks and sewage works for the benefit of its customers, residents, and the public; and

WHEREAS, Indiana Code 8-1.5-3-4 and Indiana Code 36-9-23-7 authorize the municipal bodies responsible for the Town's waterworks and sewage works to establish reasonable rules governing the safe, economical, and efficient use, operation, management, and protection of those works; and

WHEREAS, the Town Council finds that clear, uniform standards for water service lines, meters, sewer laterals, taps, utility separation, construction materials, inspections, and easements are reasonably necessary to protect public health, prevent cross-connections and infiltration, preserve system capacity, facilitate maintenance, and allocate responsibility; and

WHEREAS, the Superintendent of Public Works and Utilities has presented information to the Town Council concerning the Town's actual and reasonably anticipated labor, materials, equipment, inspection, administration, and other costs of furnishing a standard water tap, and the Town Council finds that a charge of Two Thousand Two Hundred Dollars (\$2,200.00) is nondiscriminatory, reasonable, just, and reasonably related to the service furnished; and

WHEREAS, this Ordinance was introduced on September 14, 2026, and, after notice setting forth the proposed water tap fee was published and mailed as required by Indiana Code 8-1.5-3-8.1 and Indiana Code 5-3-1, the Town Council held a public hearing on October 12, 2026, at which utility users, affected property owners, and other interested persons were afforded an opportunity to be heard; and

WHEREAS, the water tap fee established by this Ordinance is the same for property located inside and outside the Town's corporate boundaries, and the percentage difference for this fee is zero percent (0%); and

WHEREAS, the Town Council finds that this Ordinance is in the best interests of the Town and the users of its waterworks and sewage works.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTPORT, INDIANA:

SECTION 1. Purpose; Scope; Construction.

- A. Prospective application.** Except as provided in paragraph B, this Ordinance applies to every new connection to the Town's waterworks or sewage works and to every relocation,

replacement, enlargement, or Material Alteration of a Water Service Line, meter, Sewer Lateral, or tap commenced on or after the effective date.

- B. **Existing facilities.** A connection lawfully installed before the effective date need not be retrofitted solely because of this Ordinance. This limitation does not protect an unauthorized connection, a cross-connection, an unlawful discharge, a failed facility, or a condition that the Superintendent reasonably determines presents a material threat to health, safety, property, or operation of the Town's utility system.
- C. **Utility-service conditions.** The standards in this Ordinance are conditions for connection to and continued use of the Town's utility systems. They do not replace any permit, inspection, or requirement imposed by the Indiana Plumbing Code, 675 IAC 16, the Indiana Department of Environmental Management, the State or County building authority, or other applicable law. A greater or more protective requirement imposed by applicable law controls.
- D. **No unlawful approval.** No approval, inspection, alternative method, or administrative rule under this Ordinance authorizes a violation of federal or state law or relieves any person of the duty to obtain another required permit or approval.

SECTION 2. Definitions.

For purposes of this Ordinance, the following terms have the meanings stated below:

- A. **Apartment Building means** a building located on one parcel and under common ownership or control that contains two (2) or more dwelling units intended for separate occupancy.
- B. **Material Alteration means** a change in alignment, diameter, capacity, meter size, or point of connection; work requiring a new tap; or replacement of more than fifty percent (50%) of the developed length of a Water Service Line or Sewer Lateral.
- C. **Service Unit means** each separately occupied or separately used dwelling, dwelling unit, commercial or industrial establishment, or garage or accessory building supplied with water or sewer service. Each unit of a duplex or Apartment Building is a separate Service Unit unless an express exception in this Ordinance applies.
- D. **Standard Water Tap means** a tap not larger than one (1) inch to an existing Town water main adjacent to the served parcel under ordinary installation conditions. A tap is not standard if it requires a main extension, boring, unusual traffic control, work within a railroad or limited-access highway, rock excavation, dewatering, extraordinary pavement restoration, a special permit, or other work materially beyond the Town's customary tap installation.
- E. **Superintendent means** the Town Superintendent of Public Works and Utilities or the Superintendent's written designee.
- F. **Sewer Lateral means** the privately owned building sewer and related appurtenances extending from the served structure to the point of connection with the Town's sanitary sewer main, including any gravity pipe, private force main, cleanout, and grinder-pump system.
- G. **Town Utility means** the Town's waterworks, sewage works, or both, as the context requires.
- H. **Water Service Line means** the privately owned water line and related appurtenances extending from the Town's point of delivery or meter setting to the served structure.

SECTION 3. Application; Approval; Installation; Inspection.

- A. **Application and plan.** Before work begins, the property owner or authorized applicant shall submit the Town's application, pay all required charges and deposits, and provide a site plan showing parcel boundaries, structures, proposed lines, taps, meters, cleanouts, pumps, recorded easements, and known underground utilities. The Superintendent may require elevations, calculations, product data, or a design prepared by an Indiana-licensed professional engineer when reasonably needed to evaluate capacity, grade, pressure, or system protection.
- B. **Written approval required.** No person may commence a connection or Material Alteration until the Superintendent approves the application in writing. Approval may include reasonable, project-specific conditions that are consistent with this Ordinance and applicable law.
- C. **Work at Town mains.** Only Town personnel or a contractor expressly authorized by the Town may expose, cut, tap, drill, or otherwise connect to a Town water or sanitary sewer main. All other work shall be performed by persons legally authorized and qualified under applicable law.
- D. **Inspection before concealment.** The applicant shall give the Superintendent at least two (2) business days' notice before the requested inspection, unless the Superintendent agrees to a shorter period. No regulated work may be covered, backfilled, activated, or placed in service until inspected and accepted in writing. Work concealed before inspection shall be exposed at the applicant's expense.
- E. **Acceptance; no warranty.** The Town may refuse activation or connection until violations are corrected. An approval, inspection, or acceptance confirms only the Town's determination of apparent compliance at the time observed; it is not a warranty of design, materials, workmanship, or future performance and does not transfer ownership of a private facility to the Town.

SECTION 4. Separate Water Service Lines and Meters.

- A. **General rule.** Each Service Unit receiving Town water service shall have its own dedicated Water Service Line and its own Town-approved meter. Water service may not pass through, depend upon, or be measured through another Service Unit except as expressly permitted below.
- B. **Apartment master-meter exception.** An Apartment Building containing five (5) or more dwelling units may be served through one (1) master meter if approved in writing by the Superintendent. The master meter shall have a nominal size of not less than one and one-half (1-1/2) inches and shall be larger if required by hydraulic demand, fire protection, the Indiana Plumbing Code, or another applicable standard.
- C. **Responsibility under master metering.** The owner or legally responsible association shall be the Town's customer for a master-metered Apartment Building and is responsible for all charges, leaks, private distribution piping, access to the meter, and maintenance beyond the Town's point of delivery. A master meter may not serve another parcel or a separate nonappurtenant building without a written utility agreement approved by the Town Council.

SECTION 5. Water-Line Separation and Protection.

- A. **Horizontal separation.** A Water Service Line shall maintain at least five (5) feet of clear horizontal separation, measured outside-to-outside, from every other underground utility, unless a greater distance is required by applicable law.
- B. **Water and sewer safeguards.** Nothing in the five-foot minimum reduces any greater horizontal or vertical separation or protective measure required for water and sewer facilities, including the requirements of 327 IAC 8-3.2-9 when applicable. If an unavoidable crossing or reduced separation is proposed, the applicant shall obtain written approval before installation and shall provide the vertical clearance, pipe materials, joint spacing, encasement, or other safeguards required by law and by the Superintendent to prevent contamination and permit maintenance.
- C. **Utility locating.** The applicant and contractor shall cause existing underground facilities to be located as required by law and are responsible for damage resulting from their work.

SECTION 6. Separate Sewer Laterals and Taps.

- A. **General rule.** Each Service Unit connected to the Town's sewage works shall have its own dedicated Sewer Lateral and its own tap to the Town sanitary sewer main. Accordingly, each unit of a duplex and each separately served home, business, or garage is a separate Service Unit.
- B. **Apartment-building exception.** An Apartment Building may use one (1) common Sewer Lateral and one (1) tap if approved in writing by the Superintendent. The common lateral shall have a nominal inside diameter of not less than six (6) inches, shall be hydraulically adequate for all connected units, and shall comply with all applicable plumbing and utility requirements.
- C. **Responsibility for common lateral.** The owner or legally responsible association shall own, operate, repair, replace, and maintain the entire common lateral and shall provide the Town reasonable access for inspection and system protection. A common lateral may not serve another parcel or a separate nonappurtenant building unless Section 8 is satisfied and the Superintendent gives prior written approval.

SECTION 7. Sewer-Lateral Construction Standards.

- A. **Separation.** A Sewer Lateral shall maintain at least five (5) feet of clear horizontal separation, measured outside-to-outside, from every other underground utility, unless a greater distance is required by law. An unavoidable crossing or reduced separation requires prior written approval and all vertical-clearance, material, encasement, and other safeguards required by applicable law.
- B. **Exterior cleanout.** Each Sewer Lateral shall have a readily accessible exterior cleanout with a nominal diameter of not less than four (4) inches located not less than four (4) feet outside the nearest exterior wall or foundation of the served structure. Additional cleanouts shall be installed where required by the Indiana Plumbing Code or approved plan.

- C. **Pipe.** Gravity Sewer Laterals shall be polyvinyl chloride pipe meeting ASTM D3034 with a minimum wall strength of SDR 26 and gasketed joints meeting ASTM D3212, or another material and joint system approved in writing as providing equal or greater structural strength, watertightness, and service life.
- D. **Aggregate bedding.** Sewer Laterals shall be continuously bedded in washed No. 8 aggregate. Unless a greater envelope is required by the approved design, at least six (6) inches of aggregate shall be placed below the pipe barrel, along each side, and above the top of the pipe and compacted or consolidated in a manner that supports the pipe without displacement.
- E. **Tap stabilization and encasement.** At the connection of a Sewer Lateral to the Town sanitary sewer main, the tap fitting and immediately adjacent main shall be stabilized and encased with concrete or Town-approved flowable fill having a minimum thickness of three (3) inches around the protected connection. Installation shall follow the Town's approved detail and the pipe and fitting manufacturer's requirements. If that encasement would damage the main, interfere with a joint or appurtenance, or violate a manufacturer's requirement, the Superintendent may require another engineered method providing equal or greater stabilization and protection.
- F. **Laterals longer than 125 feet.** A Sewer Lateral having a developed length greater than one hundred twenty-five (125) feet, measured from the point of connection at the Town main to the building-side exterior cleanout, shall include an approved grinder-pump system at the owner's expense. The system shall include an accessible basin, high-water alarm, check valve, isolation valve, electrical supply, discharge connection, and other components required by the approved plan and applicable codes. The Superintendent may approve a gravity alternative only upon receipt of a design sealed by an Indiana-licensed professional engineer demonstrating that the alternative complies with all applicable requirements and provides equal or greater reliability, cleanout access, and protection of the Town's sewage works.
- G. **Testing and restoration.** Before acceptance, the applicant shall complete leakage, deflection, pressure, operational, or other tests reasonably required by the Superintendent for the installed system and shall restore all disturbed property and public improvements in accordance with applicable permits.

SECTION 8. Cross-Lot Lines and Recorded Easements.

- A. **Recorded instrument required.** No Water Service Line or Sewer Lateral may cross a parcel boundary unless, before installation, a utility easement, declaration, or covenant acceptable to the Town Attorney is recorded in the Office of the Decatur County Recorder. This requirement applies even when the crossed parcel and the served parcel are owned by the same person.
- B. **Required terms.** The recorded instrument shall identify the benefited and burdened parcels; describe the location and sufficient width of the utility corridor; authorize installation, access, inspection, maintenance, repair, replacement, and removal; allocate all private costs and responsibilities; bind successors and assigns; and grant the Town access reasonably necessary to inspect the private facilities or protect the Town Utility, without imposing on the Town a duty to maintain the private facilities.

- C. **Costs and title matters.** The applicant shall pay all survey, title, legal, recording, and other costs of the instrument and shall resolve any lien, mortgage, priority, or title issue necessary to make the instrument effective and enforceable.

SECTION 9. Alternative Technical Methods; Administrative Appeal.

- A. **Written request.** Before installation, an applicant may request approval of an alternative technical method to a requirement in Section 5 or Section 7. The request shall identify the requirement, explain the site constraint, and include plans, calculations, product information, and professional certifications reasonably requested by the Superintendent.
- B. **Decision standard.** The Superintendent may approve an alternative only by written findings that literal compliance is impracticable because of documented site conditions and that the alternative complies with applicable law and provides equal or greater protection of public health, water quality, system capacity, structural integrity, reliability, access, and maintainability. Reasonable conditions may be imposed to assure continued equivalency.
- C. **No prohibited variance.** No alternative may waive a requirement of federal or state law or the separate-service, separate-meter, separate-tap, recorded-easement, or fee requirements of Sections 4, 6, 8, or 10, except to the extent an express exception is stated in this Ordinance.
- D. **Appeal.** An applicant aggrieved by a written decision under this Section may file a written appeal with the Clerk-Treasurer within ten (10) calendar days after service of the decision. The Town Council shall consider the appeal at a public meeting, may receive relevant evidence, and shall affirm, modify, or reverse the decision by written findings entered in the meeting record.

SECTION 10. Water Tap Fee.

- A. **Standard fee.** The Water Tap Fee for each Standard Water Tap is Two Thousand Two Hundred Dollars (\$2,200.00), payable before the Town orders materials or begins work.
- B. **Scope.** The Water Tap Fee covers the components and work that the Town customarily furnishes for a Standard Water Tap under the written standard tap specifications available from the Superintendent. Unless those specifications expressly provide otherwise, the fee does not include a private Water Service Line, private excavation or restoration, a main extension, or nonstandard work.
- C. **Nonstandard or oversized taps.** For a tap that is larger than one (1) inch or otherwise is not a Standard Water Tap, the applicant shall pay the \$2,200.00 Water Tap Fee plus the Town's documented, reasonable incremental cost above a Standard Water Tap. Before work begins, the Town shall provide a written estimate and may require a deposit. After completion, the Town shall provide an itemized reconciliation, refund any excess deposit, and bill any deficiency.
- D. **Uniform application.** The Water Tap Fee established by this Section is the same for property inside and outside the Town's corporate boundaries. The percentage difference for this fee is zero percent (0%). This statement does not change a separately stated rate or charge lawfully imposed by another ordinance.

- E. **Utility revenue.** Amounts collected under this Section are revenues of the Town's waterworks and shall be deposited and used accordingly.

SECTION 11. Owner Costs; Ownership; Maintenance.

- A. **Owner costs.** Except for work expressly included in a Town fee or written agreement, the applicant and property owner are responsible for all costs of design, permits, easements, private installation, testing, utility locating, traffic control, restoration, and correction, and for the purchase, power, operation, maintenance, repair, and replacement of any private grinder-pump system.
- B. **Private ownership.** A Water Service Line, Sewer Lateral, cleanout, private force main, pump, and related private appurtenance remain the property and responsibility of the served property owner unless the Town expressly accepts ownership by a separate written instrument approved by the Town Council.
- C. **Continuing duty.** The owner shall keep private facilities watertight, operational, accessible, and in compliance with this Ordinance and shall promptly correct a leak, blockage, failure, unauthorized connection, or condition that threatens the Town Utility.

SECTION 12. Enforcement; Notice; Appeal; Penalty.

- A. **Administrative remedies.** For a violation, the Superintendent may deny or revoke an approval, issue a stop-work or correction order, require testing or exposure of concealed work, refuse or delay a connection or activation, and take other reasonable action within the Town's authority to protect the Town Utility.
- B. **Written notice.** Except in an emergency, the Town shall provide the applicant and affected property owner written notice identifying the violation, the required corrective action, the time allowed for correction, and the right to appeal. The correction period shall be reasonable under the circumstances and ordinarily not less than ten (10) calendar days. Notice may be served personally, by certified mail, or by another method reasonably calculated to provide actual notice.
- C. **Emergency action.** If a condition presents an imminent threat to public health, safety, property, water quality, or operation of the Town Utility, the Town may immediately stop work, isolate the connection, or suspend service to the extent reasonably necessary. The Town shall provide written notice and an opportunity to be heard as soon as practicable afterward.
- D. **Enforcement appeal.** A person aggrieved by a written enforcement decision may file a written appeal with the Clerk-Treasurer within ten (10) calendar days after service. The Town Council shall consider the appeal at a public meeting and shall affirm, modify, or reverse the decision in the meeting record. A timely appeal stays nonemergency corrective action, but does not authorize continued construction, concealment, connection, activation, or conduct that threatens the Town Utility.
- E. **Civil penalty.** A person who violates this Ordinance is subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) for each violation. Each day a violation continues after

expiration of the correction period stated in a properly served notice constitutes a separate violation. No daily penalty accrues while a timely appeal is pending unless the violation involves unauthorized work or an imminent threat described in paragraph C.

- F. **Judicial relief.** The Town may bring a civil action under Indiana Code 36-1-6-4 or other applicable law to enjoin a violation, compel compliance, obtain a judgment for an authorized penalty or amount due, and obtain costs and other relief authorized by law. The remedies in this Ordinance are cumulative.

SECTION 13. Administrative Specifications and Records.

- A. **Implementation.** The Superintendent may issue forms, standard construction details, inspection procedures, and written specifications reasonably necessary to administer this Ordinance. An administrative specification must be consistent with this Ordinance and applicable law and may not create a new rate, charge, penalty, or substantive exception.
- B. **Availability and uniform administration.** Current forms, standard details, specifications, and written decisions shall be maintained by the Town and made available for public inspection during regular business hours. Comparable applications and violations shall be administered on comparable terms, subject to documented site and system differences.

SECTION 14. Repealer; Savings; Severability.

- A. **Conflicting provisions.** All prior ordinances, resolutions, rules, or policies are amended or repealed only to the extent they directly conflict with this Ordinance. Without limiting the foregoing, any prior provision establishing a \$1,600.00 water tap-charge is superseded by Section 10 when that Section becomes effective. All nonconflicting provisions remain in full force and effect.
- B. **Pending matters and accrued rights.** This Ordinance does not extinguish a violation, liability, payment obligation, enforcement action, or right that accrued before its effective date. A complete application approved in writing before the effective date may proceed under the approval unless materially changed, expired, or determined to threaten the Town Utility.
- C. **Severability.** If a court of competent jurisdiction holds any provision or application of this Ordinance invalid, the invalidity does not affect any other provision or application that can be given effect without the invalid provision or application, and the remaining provisions are severable.

SECTION 15. Effective Date; Publication; Filing.

- A. **General effective date.** Except as provided in paragraph B, this Ordinance takes effect after adoption, approval and signature by the Town Executive, and publication as required by Indiana Code 36-5-2-10 and Indiana Code 5-3-1.
- B. **Water Tap Fee.** Section 10 takes effect on the later of the general effective date or completion of every additional rate-approval requirement applicable to the Town's water utility. If the water utility is under the jurisdiction of the Indiana Utility Regulatory

Commission for approval of rates and charges, Section 10 does not take effect until approved by the Commission.

- C. **Clerk-Treasurer duties.** The Clerk-Treasurer shall record this Ordinance as required by Indiana Code 36-5-2-10.2, and maintain the adopted schedule of rates and charges for public inspection as required by Indiana Code 8-1.5-3-8.1.

ADOPTED AND PASSED by the Town Council of the Town of Westport, Indiana, this _____ day of _____, 2026.

AYES

NAYS

Council Members

Council Members

Presented to me by the Town Council of Westport, Indiana on this _____ day of _____, 2026.

Clerk-Treasurer