

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2023-11**

**AN ORDINANCE AMENDING SECTIONS 51.07 AND 51.12 OF THE
WHITELAND TOWN CODE TO ESTABLISH ADDITIONAL
PENALTIES FOR UNAUTHORIZED ACCESS TO TOWN WATER OR
DAMAGE TO THE TOWN'S WATERWORKS**

WHEREAS, Sections 51.07 and 51.12 of the Whiteland Town Code prohibit the taking of water from fire hydrants except for fire purposes;

WHEREAS, incidents of unauthorized access to fire hydrants and the water system of the Town of Whiteland (the "Town") that cause damage to the water system and increased costs to the Town are increasing;

WHEREAS, the Whiteland Town Council (the "Council") desires to amend the Whiteland Town Code to establish additional penalties for unauthorized access to Town water and damage to the Town's waterworks;

WHEREAS, the Council also desires to update the Whiteland Town Code to eliminate and clarify duplicate language in Sections 51.07 and 51.12 of the Whiteland Town Code;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

Section 1. Section 51.07 of the Whiteland Town Code is hereby amended to read as follows:

**§ 51.07 AIDING AND ABETTING UNAUTHORIZED TAKING OF
FURNISHING WATER FROM HYDRANTS OR FIXTURES.**

(A) All ~~persons~~owners are strictly prohibited from ~~aiding and abetting furnishing the taking of water or allowing water to be taken~~ from ~~their~~ Town hydrants or Town infrastructure fixtures by another person unless such other person has the owners secured a permit from the Clerk-Treasurer.

~~—(B) No person shall take water from any fire hydrant except for fire purposes.~~

Section 2. Section 51.12 of the Whiteland Town Code is hereby amended to read as follows:

**§ 51.12 HYDRANTS FOR USE DURING FIRES ONLY UNAUTHORIZED
ACCESS OF TOWN WATER.**

(A) No person shall take water or cause water to be removed from any Town fire hydrant or other Town infrastructure, except for fire suppression purposes, unless such use has been authorized by a permit issued by the Clerk-Treasurer.

[The new provisions are shown in blue and underlined, deleted provisions in ~~red strikethrough~~.]

(B) A permit issued by the Clerk-Treasurer shall identify the person to whom the authorization is granted, the specific Town hydrant(s) or Town improvement to be used, and the length of time the use is authorized. Any use beyond the terms set forth on the permit shall be unauthorized.

(C) Any person removing or aiding and abetting the removal of water from hydrants or fixtures or otherwise accessing Town water without authorization shall be subject to a civil penalty in the amount of \$1,000 or three (3) times the value of the water taken or removed, whichever is greater.

(D) The value of the water taken or removed shall be calculated using the rate established for water purchased through a bulk water service station as described in Section 51.35(C). Where the hydrant or fixture is metered, the number of gallons taken or removed shall be determined by a reading of the meter on the hydrant, fixture, or other improvement. Where the hydrant, fixture, or other improvement is unmetered, the number of gallons taken or removed shall be determined by multiplying the gallons per minute flow rate of the hydrant, fixture, or other improvement by sixty (60) minutes.

(E) The penalties listed in this section are not exclusive of the penalties set forth in Section 51.99, and the remedy for violation shall be cumulative of any other remedy to which the Town may be entitled at law or equity.

Section 3. The text of Title V, Chapter 51 of the Whiteland Town Code is hereby amended to add Section 51.15 to read as follows:

§ 51.15 TAMPERING WITH OR DAMAGING TOWN WATER INFRASTRUCTURE.

No unauthorized person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, equipment, or other infrastructure that is part of the Town's waterworks. In addition to any other applicable penalties, any violator of this section shall be further subject to a fine equal to the costs for the repair and replacement of any portion of the Town's waterworks damaged or defaced, and any and all other costs to restore the proper functioning of the waterworks, including without limitation, the labor and equipment charges for such repairs, restoration, and replacements, and the costs of flushing, sanitizing, notifying customers, and otherwise restoring the proper functioning of the waterworks.

Section 4. The provisions of all other ordinances, resolutions, or Town Code provisions in conflict with the provisions of this ordinance are of no further force or effect.

Section 5. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

Section 6. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of adoption of this ordinance as

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evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10, subject to publication of this ordinance to the extent required by law.

PASSED through first reading by the Town Council on the 12 day of September, 2023, by a vote of 5 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on the 12 day of September, 2023, by a vote of 5 in favor and 0 against.

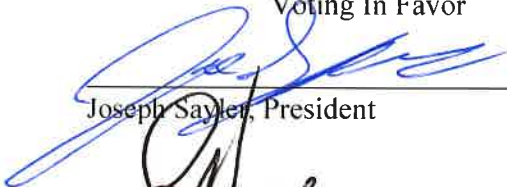
TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



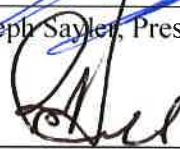
Joseph Saylor, President

Voting In Favor

Voting Opposed




Joseph Saylor, President



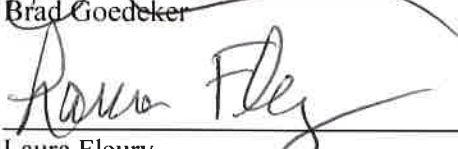
Richard Hill, Vice President

Joseph Saylor, President


Richard Hill, Vice President



Brad Goedeker



Laura Fleury



David Hawkins

Brad Goedeker

Laura Fleury

David Hawkins

Attest:



Debra L. Hendrickson, Clerk-Treasurer

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