

**BYLAWS
RULES & REGULATIONS**

**GERMAN TOWNSHIP WATER DISTRICT,
INC.**

**2636 W. Boonville-New Harmony Road
Evansville, IN 47720
(812) 963-6403**

GERMAN TOWNSHIP WATER DISTRICT, INC.

BYLAWS

ARTICLE 1

GENERAL

Section 1. **NAME.** The name of this corporation shall be German Township Water District, Incorporated.

Section 2. **LOCATION.** The offices of this corporation shall be at 2636 W. Boonville-New Harmony Rd, Vanderburgh County, State of Indiana.

Section 3. **SEAL.** This corporation shall possess a seal. The secretary shall have custody of the seal. The seal shall have inscribed the name of the corporation, the year of its organization and the words “Non-Stock Company, German Township Water District, Inc.”.

Section 4. **FISCAL YEAR.** The fiscal year of this corporation shall be the same as the calendar year.

ARTICLE II

MEMBERSHIP

Section 1. Any occupant or person, including any body politic and/or corporate, holding property having need of and reasonable accessibility to the services operated by the corporation, may be a member of this corporation by obtaining a membership certificate from the corporation. Persons may be admitted to membership upon subscribing for a membership certificate and by signing such agreements for the purchase of services as may be provided and required by the corporation, provided that no person otherwise eligible shall be permitted to subscribe for or require a membership of the corporation if the capacity of the corporation's system is exhausted by the needs of its existing members. A fee established by the board of directors approved by the Indiana Utility Regulatory Commission, and set forth in the rules and regulations shall be paid per membership and/or transfer of connection, upon application for membership in this corporation, but only with the approval of the board of directors and only to persons eligible to become members.

Section 2. A member ceases to be eligible to hold membership as provided in Section 1 in case of death, or willful failure to comply with these bylaws and other requirements of the corporation or willful obstruction of the purposes and proper activities of the corporation. The board of directors may elect to purchase his or her membership certificate and terminate the membership upon tender to him/her or his/her heirs or legal representative the membership fee paid for that certificate as determined by the board of directors, but only on previously refundable membership, together with any dividends due and unpaid less any indebtedness then due from him or her to the corporation. Any member whose membership is so terminated for cause other than that of ceasing to be eligible may appeal from the action of the board of directors to a vote of the members at the next regular meeting of the members, or special meeting of the members called for such purpose.

Section 3. The capital of this corporation shall be represented by membership certificates.

Section 4. The membership certificates shall be issued to each holder of fully paid membership and shall be numbered consecutively, in accordance with the order of issue. No number may be issued more than once. Each membership certificate has the following provisions:

- a. This membership certificate number is issued and accepted in accordance with and subject to the conditions and restrictions stipulated in the articles of incorporations and bylaws and amendments to the same of the German Township Water District, Inc.
- b. No member shall be entitled to more than one vote at meetings of the members, regardless of the number of certificates held by the member. Every member, upon becoming a member of this corporation, agrees to sign such agreements for the purchase of water as may from time to time be provided and required by the corporation and agrees in case he or she desires to dispose of his or her membership certificate to offer the same to the corporation for the membership fee paid for that certificate and that he or she will make no offer to assignment of sale elsewhere of the same.

Section 6. Each member agrees to sign such user's agreements as the corporation shall from time to time provide and require.

ARTICLE III

MEETINGS OF MEMBERS

Section 1. The annual meeting of the members shall be held at a time and place designated by the Board of Directors, in Vanderburgh County, State of Indiana, on the 3rd Thursday of April of each year pursuant to written notice thereof as required by law. Said notice shall include the names and addresses of all nominees to the Board of Directors.

Section 2. Special meetings of the members may be called by the Board of Directors and such meeting must be called whenever a petition requesting such meeting is signed by at least ten percent of the members and presented to the secretary or Board of Directors. The purpose of every special meeting shall be stated in the notice thereof, and no business shall be transacted except such as is specified in the notice. Such notice shall be mailed to each member of record, directed to the address shown on the books, at least ten days prior to the special meeting; and such notice shall state the nature, time, place, and purpose of the meeting, but no failure or irregularity of notice of any annual meeting, regularly held, shall affect any proceedings taken there at.

Section 3. The members present at any meeting of the members shall constitute a quorum at any meeting for the transaction of business. No member shall be entitled to more than one vote and no voting by proxy shall be allowed.

Section 4. The directors of the corporation should be elected from four (4) different districts. The districts shall be determined on the basis of geographical area and number of users. The board shall, from time to time, review the district boundaries and endeavor to maintain equality between the districts. The director must live in the district which he or she represents and five (5) directors shall be elected at large from the entire area serviced by the corporation. All directors shall be members in good standing of the corporation. In the event that no nominations are made from a district, said directorship shall become an at large director.

The directors of the corporation shall be elected at the annual meeting of the members from a list of nominees to be selected as follows: the President of the corporation shall appoint a nominating committee by the 3rd Thursday of January comprised of at least two board members whose terms of office will not expire at the next annual meeting. The president of the board shall not be a member of this committee. Any member of the corporation wishing to be a nominee must submit his or her name in writing by certified mail to the office of the corporation no later than sixty (60) days prior to the annual membership meeting. Such nominees name(s) may be added to the slate prepared by the nominating committee. The nominating committee shall present to the Board of Directors a slate of at least one name for each directorship to become vacant at the next annual meeting. There will be no nominations from the floor at the annual meeting.

Section 5. The order of business at the regular meetings and so far as possible at all other meetings shall be:

1. Call to order and proof of quorum.
2. Proof of notice of meeting.
3. Reading and action on any unapproved minutes.
4. Reports of officers to include Treasurer's/Auditor's report, Committee's and Operations Director's report.
5. Election of directors.
6. Unfinished business.
7. New business.
8. Adjournment.

ARTICLE IV

DIRECTORS AND OFFICERS

Section 1. The Board of Directors of the corporation shall consist of nine (9) members all of whom shall be members of the corporation. The size of board may not be changed except by amendment to these articles. At the first annual election, one director shall be elected for a term of one year; two directors shall be elected for a term of two years; two directors shall be elected for a term of three years. Thereafter, directors shall be elected for terms of three years.

Section 2. The Board of Directors shall meet within ten days after their election and shall elect by ballot a president, vice-president, secretary, and treasurer from their number, each of who shall hold office until the next annual meeting and until election and qualification of his successor unless sooner removed by death, resignation or for other cause. A director shall not hold the same officer position for longer than three consecutive years.

Section 3. Special meetings of the Board of Directors may be called by the president, and held at any place stated in the notice thereof, upon giving of ten (10) days notice, orally or in writing, without the necessity of stating the purpose of the meeting. Notice of any special meeting may be waived by the members of the board, and the presence of any director at any such meeting shall constitute a waiver of notice thereof.

Section 4. A majority of the Board of Directors shall constitute a quorum at any meeting of the board.

Section 5. The office of any director or officer vacated by reason of death, resignation, retirement, disqualification or otherwise, except removal from office, shall be filled by a majority of the remaining directors, who will choose a successor, and that successor shall hold office until the next meeting of the members at which time the members shall elect a director for the unexpired term or terms.

Section 6. Compensation of officers may be fixed at any meeting (regular or special) of the members of the corporation. Directors shall receive no compensation for their services as such.

Section 7. Officers and directors may be removed from office in the following manner: Any member, officer, or director may present charges against a director or officer by filing them in writing with the secretary of the corporation. The charges must be accompanied by a petition signed by ten percent of the membership of the corporation. Such removal shall be voted on at the next regular or special meeting of the members and shall be effective if approved by a vote of the majority of the members present. The director or officer against whom such charges have been presented shall be informed in writing, of such charges five days prior to the meeting, and shall have the opportunity to be heard in person or by counsel and to present witnesses; and the person or persons presenting such charges against him or her shall have the same opportunity. If the removal of a director is approved, such action shall also vacate any other office held by the removed director in the corporation. A vacancy in the board thus created shall immediately be filled by a vote of a majority of the members present and voting. A vacancy in any office thus created shall be filled by the directors from among their number so constituted after the vacancy in the board has been filled.

ARTICLE V

DUTIES OF DIRECTORS

Section 1. The Board of Directors, subject to restrictions of law, the articles of incorporation, or these bylaws shall exercise all of the powers of the corporations, and without prejudice to or limitation upon their general powers, it is hereby expressly proved that the Board of Directors shall have, and are hereby given, full power and authority, upon approval of the members of the board by a majority vote at regular or special meeting, in respect to the matters as hereinafter set forth:

- a. To pass upon the qualifications of members, and to cause appropriate certificates of membership to be issued.
- b. To select and appoint all agents, and employees, to remove same for just cause, fix their compensation and pay for services, and prescribe their duties as may not be inconsistent with these bylaws. The Board of Directors may not select or appoint any duly elected director nor any member of his/her household or his/her blood relative as an employee of the corporation. If the majority of the Board of Directors is disposed so to do, the related director (s) shall resign immediately.
- c. To borrow from any source, money, goods, or services and to make and issue notes and other negotiable and transferable instruments and to do every act necessary to support and effectuate the same.
- d. To prescribe, adopt, amend, publish and make available to the members, from time to time such equitable uniform rules and regulations, as in their discretion, may be deemed essential or convenient for the conduct of the business and affairs of the corporation, the guidance and control of its officers and employees, and to prescribe adequate penalties for breach thereof.
- e. To order an annual audit of the books and accounts by a competent accountant and be presented at the annual membership meeting by said accountant.
- f. To fix charges to be paid, the time of payment, and the manner of collection by each member for services rendered to him or her.
- g. To require adequate bonds, the cost thereof to be paid by the corporation for all officers, agents, and employees charged with responsibility for custody of any funds of the corporation.
- h. To select the bank or banks to act as depositories of the funds, ensuring such funds up to fifty percent (50%) in aggregate accounts are covered by insurance. Aggregate accounts greater than fifty percent (50%) are to be deposited in insured accounts if possible. Directors will investigate all accounts that are not federally insured and to the best of their ability place funds with institutions that are financially sound. To determine the manner of receiving, depositing and disbursing of funds, and the form of checks and the person or persons by whom the same shall be signed with the power to make changes thereof at will.
- i. To levy assessments against the membership certificates of the corporation and to enforce the collection of such assessments in the manner provided for enforcement of collection of monthly charges set forth in the rules and regulations of the corporation, including the forfeiture of delinquent certificates of members failing to pay such assessments within the time prescribed for payment, provided, that prior to forfeiture the board must give the member at least thirty days written notice at the last address of the member on the books of the corporation of its intention to forfeit the certificate if the assessment is not paid by a specified time.

ARTICLE VI

DUTIES OF OFFICERS

Section 1. **DUTIES OF PRESIDENT.** The president shall preside at meetings of the corporation and of the Board of Directors; shall call special meetings of the board; shall perform such other duties as may be prescribed in these bylaws or assigned to him or her by the Board of Directors; and shall sign such papers as he or she may be authorized or directed to sign by the Board of Directors.

Section 2. **DUTIES OF VICE-PRESIDENT.** The vice-president shall act as aide to the president and shall perform the duties of the president in the absence or inability of that officer to serve.

Section 3. **DUTIES OF SECRETARY.** The secretary shall record the minutes of all meetings of the corporation and the Board of Directors. The secretary shall sign papers pertaining to the corporation as he or she may be authorized or directed to do so by the board. The secretary shall serve all notices required by law and by these bylaws and shall make a full report of all matters pertaining to his or her office to the members at the annual meeting. The secretary is responsible for keeping the corporate seal and membership certificates issued and affix said seal to all papers requiring same. The secretary is responsible for keeping a proper membership certificate record showing the name, date of issuance, surrender, cancellation, or forfeiture. The secretary shall perform such duties as may be delegated to him or her including the turnover to his or her successor all books and other property belonging to the corporation that may be in his or her possession.

Section 4. **DUTIES OF TREASURER.** The treasurer shall monitor all monies of the corporation; shall review the record of receipts and expenditures. The treasurer is responsible for presenting a financial statement when requested by the board. The treasurer shall furnish the corporation a fidelity bond in an amount equal to the largest sum of funds in his possession at any time.

Section 5. All officers shall perform the duties prescribed in the parliamentary authority in addition to those outlined in these bylaws and those assigned from time to time. The officers shall deliver to their successors all official material, records and property within ten days following the meeting which they are elected and qualified.

ARTICLE VII

BENEFITS AND DUTIES OF MEMBERS

Section 1. The Board of Directors shall be authorized to require each member to enter into a user's agreement which shall embody the principals set forth in the following sections of this article.

Section 2. The corporation will install, operate and maintain a main distribution pipelines from the source of water supply and service lines from the main distribution line or lines to the property line of each member of the company at which points, designated as delivery points, meters installed, owned, and maintained by the company, shall be placed. The company will also purchase, own, install and maintain cut-off valves on their service lines and shall have the sole and exclusive right to use such cut-off valves to turn them on and off.

Section 3. Each member shall be entitled to and shall not exceed one (1) service line and meter from the corporation's water system, unless otherwise approved by the Board of Directors and provided that the member shall be required to pay the prevalent tap fee for each service line. Each dwelling, commercial establishment or other use shall have a service line and meter installed for the exclusive use of that dwelling, commercial establishment or other use. No new service line or change in an existing service line may be made which will interfere with an existing service line or the delivery of water therein. Each service line shall connect with the corporation's water system at the nearest available location to the place of desired use by the member, if the corporation's water system shall be of sufficient capacity to permit delivery of water through a service line at that place without interfering with the delivery of water through a prior service line. If the corporation's water system shall be inadequate to permit the delivery of water through a service line installed at such place then such service line shall be installed at such place as maybe designated by the corporation. Each member will be required to dig or have dug a ditch, to purchase and install, and to maintain such portion of the service line or lines from the property line of the member to his or her own dwelling, commercial establishment or other place of use on his or her premises at his or her own expense, provided that the corporation may, if the Board of Directors so elects, purchase the pipe for and install such portion of such service line or lines, the cost of which will, however be paid by the individual members.

Section 4. Each member shall be entitled to purchase from the corporation, pursuant to such agreements as may from time to time be provided and required, such water as the member may desire, subject to the provisions of these bylaws and to such rules and regulations as may be prescribed by the Board of Directors.

Section 5. In the event the total water support shall be insufficient to meet all the needs of the members or in the event of a water shortage, the corporation may prorate the water available among the various members on such basis as is deemed equitable by the Board of Directors.

Section 6. The board shall, from time to time and subject to approval of the Indiana Utility Regulatory Commission, determine the water rates to be charged each member for each service connection. The flat minimum monthly rate, as set forth in the water rate schedule is to be payable irrespective of whether any water is used by the member during any month. The Board of Directors shall fix the date for payment of such charges, and shall notify each member or cause each member to be notified of the amount of such charges and the date for the payment thereof. A member to be entitled to the delivery of water shall direct payment of such charges to the office of the corporation on or before the dates fixed by the Board of Directors. The failure to pay water charges duly imposed shall result in the imposition of the penalties approved by the Indiana Utilities Regulatory Commission and set forth in the rules and regulations of the corporation.

Section 7. Membership may be cancelled and/or service discontinued by the corporation for violation of any rule or regulation.

ARTICLE VIII

DISTRIBUTION OF SURPLUS FUNDS

Section 1. At the end of the fiscal year, after paying all costs of operations and maintenance, setting aside reserves for depreciation on buildings, equipment, etc., and such other reserves as may be deemed property, providing for payment of interest and principal of obligations and debts, and after providing for the accumulated in a surplus fund for the purpose of replacing, enlarging, extending, and repairing the system and property of the corporation and for such other purposes as the Board of Directors may determine to be for the best interest of the corporation, the said surplus fund or any portion thereof may from time to time at the discretion of the Board of Directors be distributed to the members as provided in the bylaws, on the basis of the assessments and charges made and levied against and paid by such members during the year.

Section 2. Any part or the whole of such apportionment may be credited at the discretion of the Board of Directors to the indebtedness of the members, should any exist, and in such case, the members shall be notified in writing of the amount so applied.

ARTICLE IX
RULES OF ORDER

The rules contained in Robert's Rule of Order Revised shall govern the corporation in all cases to which they are applicable, and to the extent they are not inconsistent with the articles of incorporation, bylaws or the special rules of order of this corporation.

ARTICLE X

AMENDMENTS

Section 1. Amendments to these bylaws may be adopted by a vote of a majority of the members present at any special or regular meeting of the corporation if the members have been given at least 30 days written notice of said meeting and the notice has contained a copy of the proposed amendment or amendments.

GERMAN TOWNSHIP WATER DISTRICT, INC.

WATERWORKS RULES AND REGULATIONS

I. Service Application

- A. Any bona fide occupant of a single family dwelling, or of a residential unit in an auto court, duplex, or multiple dwelling building, or any person holding property having reasonable accessibility to the Company's water supply, who is in need of having water supplied to his place of occupancy or property, may be a member of this Company by obtaining a membership certificate from the Company. Persons who receive the approval of the Board of Directors may be admitted to membership upon subscribing for a membership certificate and by signing such agreements for the purchase of water as may be provided and required by the Company, provided that no person otherwise eligible shall be permitted to subscribe for or require a membership of the Company, if the capacity of the Company's water system is exhausted by the needs of existing members. A non-refundable Fee of \$100.00 Dollars shall be paid per membership. Only one such fee need be paid by any Members, irrespective of the number of connections he subscribed for.
- B. The Company may reject any application for membership when the applicant is delinquent in payment of bills incurred for service previously supplied at any location.
- C. On violation of any provision of these rules, bylaws or any other regulation of the Company, the Company may remove the meter and discontinue service. If the member voluntarily requests removal of his meter for a definite or indefinite period, he shall pay (1) the minimum monthly rate multiplied by the number of months the meter has been out of service up to \$100, plus a reconnection fee, before a reconnection will be made for him.
- D. The individual in whose name the membership certificate is prepared shall be responsible for all bills incurred in connection with service rendered.

II. Initial of Minimum Charges

- A. Except as provided in Paragraph I.C. above, the flat minimum monthly rate, as set up in the water rate schedule for the year, will be payable irrespective of whether any water is used the by Member during any month.
- B. The flat minimum monthly rate, as set up in water rate schedule for the year, will be payable irrespective of seasonal use. If the Company is required to remove the meter at the end of seasonable use, the Company when service is restored will make a charge for such reinstallation as set in Paragraph I.C.
- C. The tap fee for each meter installation shall be set by the Board of Directors and approved by the Indiana Utility Regulatory Commission.
- D. Water furnished for a given lot or farmstead shall be used on that lot only. Each member's service or services must be separately metered at a single delivery and metering point for each connection. All commercial use, including storerooms and stalls for business purposes, shall be metered separately from any residential use, and vice versa.

- E. In addition to the collection of regular rates, the Company may collect from the Member a proportionate share of any privilege, sales, or use tax or imposition, based on gross revenue received by the Company.

III. Company's Responsibility

- A. The Company will install, maintain and operate a main distribution pipe line or lines from the source of water supply, and service lines from the main distribution line or lines to the property line of each Member of the Company, at which points, meters purchased, installed, owned and, maintained by the Company, shall be placed. The cost of the service line or lines from the main distribution line or lines of the Company to the property line of each Member shall be paid by the Company. The Member will be responsible for an Indiana Utility Regulatory Commission (IURC) approved tap-in fee. The Company will also purchase and install a cut-off valve in each service line from its main distribution line or lines, such cut-off valve owned and maintained by the Company, and installed on some portion of the service line owned by the Company. The Company shall have the sole and exclusive right to use such cut-off valve to turn it on and off.
- B. Each Member shall be entitled to not to exceed one (1) service line from the Company's water system, unless otherwise approved by the Board of Directors, provided that the Members shall be required to pay the prevalent tap fee for each service line. No new service line or change in an existing service line may be made which will interfere with an existing service line or the delivery of water therein. Each service line shall connect with the Company's water system at a place nearest available to that of desired use by the Member, if the Company's water system shall be of sufficient capacity to permit the delivery of water through a service line at that place without interfering with the delivery of water through a prior service line. If the Company's water system shall be inadequate to permit the delivery of water through a prior service line, then such service line shall be installed at such place as may be designated by the Company. Each Member will be required to dig or have dug a ditch, to purchase, install and maintain the service line or lines from the property line of the Member to his own dwelling (or other place of use on his premises at his own expense, provided that the Company may, if the Board of Directors so elect; purchase the pipe for and install such portion of such service line or lines at the expense of the individual Member.)

IV. Company's Liability

- A. The Company does not assume the responsibility of inspecting the Member's piping or apparatus, and will not be responsible therefore.
- B. The Company reserves the right to refuse service unless the member's lines or piping are installed in such manner as to prevent cross-connections or back-flow.
- C. The Company shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the Member's premises, unless such damage results directly from negligence on the part of the Company. The Company shall not be responsible for any damage done by or resulting from any defects in piping, fixtures, or appliances on the Member's premises. The Company shall not be responsible for negligence of third persons, or forces beyond the control of the Company, which may result in interruption of service.
- D. Under normal conditions, the Members will be notified of any anticipated interruptions of service.

V. Member's Responsibility

- A. Piping on the premises of the Member must be so installed that the connections are conveniently located to the Company lines and mains.

- B. If the Company is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- C. The Member shall provide a place of metering which is unobstructed and accessible at all times.
- D. The Member shall furnish and maintain a private cut-off valve on the Member's side of the meter. The Company will provide a like valve on the Company's side of such meter.
- E. The Member's piping and apparatus shall be installed and maintained by the Member, and at his expense, in a safe and efficient manner and in accordance with the Company rules and regulations and in full compliance with sanitary regulations of the Indiana Department of Environmental Management.
- F. No private system using water from a surface source (cistern, dug well, lake, pond or stream) may be physically connected in any way to plumbing carrying water from the Company's water mains.
- G. No private system using water from a drilled well or non-surface water source may be physically connected to plumbing carrying water from the Company's water mains, unless the two systems are separated by protective devices which prevent "back-flow" of water from the private system into the Company's mains, and such devices are approved by the Indiana Department of Environmental Management.
- H. The Member shall guarantee proper protection for the Company's property placed on the Member's property, and shall permit access to it only by authorized representatives of the Company.
- I. In the event of any loss or damage to the property of the Company, or any accident or injury to persons or property, is caused by or results from the negligence or wrongful act of the Member, his agent or employees, the cost of the necessary repairs or replacements shall be paid by the Member to the Company and any liability otherwise resulting shall be assumed by the Member.
- J. The amount of any such loss or damage, or the cost of repairs, shall be added to the Member's bill and, if not paid, service may be discontinued by the Company.
- K. Water furnished by the Company shall be used for domestic consumption by the Member, members of his household, and employees only. The Member shall not sell water purchased from the Company to any other person or permit any other person to use said water. Water shall not be used for irrigation, fire protection, or other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.

VI. Access to Member's Property

- A. Duly authorized agents of the Company shall have access to the property of the Member at all reasonable hours for the purpose of installing or removing Company property, inspecting piping, reading and testing meters or for any other purpose in connection with the Company's service and facilities.
- B. Each Member shall grant or convey, or shall cause to be granted or conveyed to the Company a permanent easement and right of way across any property owned or controlled by the Member when such permanent easement and right of way is necessary to enable the Company to furnish service to the Member.

VII. Change of Occupancy

- A. The Member must give not less than one weeks notice, in person, or in writing, when service is to be discontinued or occupancy changed.

- B. The outgoing party, unless a renter, shall be responsible for all water consumed up to the time of departure, or the time specified for departure, whichever period is longer. If the outgoing party is a renter, the Member (landlord) shall be ultimately responsible for any bills not paid by the renter.
- C. A charge will be made for each meter turned on or cut off, other than for change of occupancy, said charge will be established by the Board of Directors.

VIII. Meter Reading – Billing – Collection

- A. Meter will be read and bills rendered monthly, but the Company reserves the right to vary the dates or length of period covered, subject to approval of the Indiana Utility Regulatory Commission.
- B. Bills for water will be figured in accordance with the Company's published rate schedule and will be based on the amount consumed for the period covered by the meter readings, except where a Member orders turn-on, the minimum bill to such Member for such period shall be equal to the minimum charge for one full month's service.
- C. Charge for service commences when a meter is installed and a connection made to the distribution line whether or not used.
- D. Reading from different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or the same or different Members, or for the same or different services.
- E. Bills are due when rendered and delinquent after seventeen (17) days; delinquent notices will be mailed to the Member seventeen (17) days after the regular monthly billing date and if payment is not made within thirty (30) days after billing date, service will be discontinued.
 - a. Non-payment within seventeen (17) days from billing date will be subject to a penalty of ten (10) percent of that part of the delinquent account which does not exceed \$3.00, plus three (3) percent of any delinquent amount in excess of \$3.00.
 - b. Non-payment within thirty (30) days from the billing date will result in the service being shut off from the Member's property.
 - c. Non-payment of ninety (90) days from the billing date will allow the corporation to terminate the membership certificate as provided for in Article II, Section 2, of these bylaws.
- F. Failure to receive bills or notices will not prevent such bills from becoming delinquent nor relieve the Member from payment.

IX. Suspension of Service

- A. Upon discontinuance of service for non-payment of bills, the deposit, if any, will be applied by the Company toward settlement of the account. Any balance will be refunded to the Member, but if the deposit, if any, is not sufficient to cover the bill, the Company may proceed to collect the balance in any manner provided by law.
- B. Service discontinued for non-payment of bills will be restored only after bills are paid in full, in accordance with Paragraph I.C. herein above.
- C. The Company reserves the right to discontinue its service without notice for the following additional reasons:
 - 1. To prevent fraud or abuse.
 - 2. Consumer's willful disregard of the Company's rules
 - 3. Emergency repairs.

4. Insufficiency of supply due to circumstances beyond the Company's control.
 5. Legal process.
 6. If directed by competent public authority.
 7. Strike, riot, fire, flood, accident or any unavoidable cause.
- D. The Company may in addition to prosecution by law, permanently refuse service to any Member who has tampered with a meter or other measuring device.

X. Complaints – Adjustments

- A. If a Member believes his bill to be in error, he shall present his claim, in person or in writing, to the corporation's headquarters before the bill becomes delinquent. Such a claim if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service, as heretofore provided. The Member may pay such bill under protest and said payment shall not prejudice his claim. A Member, after contacting the corporation's headquarters, may present his claim in writing or, at the discretion of the Board of Directors, in person.
- B. Leak Adjustment Policy – All requests for leak adjustments shall be in excess of \$100 to be considered, and then be granted based on the current rate for the first two (2) thousand gallons plus the Company's current purchase cost rate for water used above two thousand gallons. Each Member shall be required to submit and/or obtain an affidavit stating the conditions of each request. Each Member shall be granted one request without board approval. The board reserves the right to obtain information beyond the original affidavit for any request reviewed.
- C. The Company will make special meter reading at the request of the Member for a fee to be established by the Board of Directors, provided, however, if such special reading disclosed that the meter was over read, no charge will be made.
- D. Meters will be tested on the request of the Member upon payment to the Company of the actual cost to the Company of making the test, provided, however, if such test disclosed the meter to be faulty, no charge will be made.
- E. If the seal of the meter is broken by other than the Company's representative, or if the meter fails to register correctly or is stopped for any cause, the Member shall pay an amount estimated from the record of his previous bills and/or from other proper data.

XI. Abridgement or Modification of Rules

- A. No promise, agreement or representative of any employee of the Company shall be binding upon the Company, except as it shall have been agreed upon in writing, signed and accepted by the officers of the Company.
- B. No modification of rates or any of the rules and regulations shall be made by an agent of the Company.
- C. The word "Company" used herein applies to German Township Water District, Incorporated. The word "Member" used herein applies to the members of said Company.