

**CITY OF HUNTINGBURG, INDIANA
ORDINANCE NO. 2020-22**

**AN ORDINANCE AMENDING ORDINANCE NO. 2015-37
ESTABLISHING A NEW SCHEDULE OF RATES
AND CHARGES FOR USE OF AND SERVICES RENDERED
BY THE MUNICIPALLY OWNED SEWAGE WORKS OF
THE CITY OF HUNTINGBURG, INDIANA, AND
MATTERS CONNECTED THEREWITH**

WHEREAS, the City of Huntingburg has heretofore constructed and has in operation a sewage works for the purpose of collecting and disposing of the sewage of the City and the inhabitants thereof in a sanitary manner pursuant to I.C. 36-9-23; and

WHEREAS, the Board of Public Works and Safety of the City of Huntingburg, in its management of the municipally owned sewage works, has recommended to the Common Council of the City of Huntingburg that certain improvements and extensions to said sewage works are necessary in order to render adequate and efficient services to the customers of said sewage works; and

WHEREAS, the City of Huntingburg proposes to issue its sewage works revenue bonds in a principal amount not to exceed Twenty-Five Million Dollars (\$25,000,000.00) to refund existing indebtedness, pay the costs of said improvements and the costs of issuance; and

WHEREAS, based upon the accounting study performed by O. W. Krohn & Associates, LLP, Certified Public Accountants, the Common Council of the City of Huntingburg now determines that the existing rates and charges for the use of and services rendered by the municipal sewage works are too low and insufficient to enable the City to produce revenue sufficient to maintain the sewage works in a sound physical and financial condition necessary to render adequate and efficient service; that increased revenues will improve the service rendered by said sewage works system and make the same of greater value to the City, its inhabitants, and the patrons served by said sewage works system, and that the existing schedule of rates and charges should be increased; and

WHEREAS, the Common Council of the City of Huntingburg now determines that the rates and charges for the use of and services rendered by the municipally owned sewage works should be sufficient to pay the legal and other necessary expenses incidental to the operation of the works; to provide a sinking fund for the payment of principal of and interest on bonds; to provide adequate money for working capital; and to provide adequate money for improving and replacing the works; and

WHEREAS, the City has retained O. W. Krohn & Associates, LLP, Certified Public Accountants and Utility Consultants of Westfield, Indiana, to conduct an accounting study of the municipal sewage works including the revenue requirements and rates and charges necessary to meet those requirements; and

WHEREAS, with the assistance of O. W. Krohn & Associates, LLP, the Board of Public Works and Safety of the City of Huntingburg have made due investigation of rates and charges sufficient to provide the foregoing revenue requirements; and

WHEREAS, the Common Council of the City of Huntingburg, Indiana, now determines that based upon the recommendations of the Board of Public Works and Safety and after due public hearing as required by law, the following schedule of rates and charges for sanitary sewage services rendered by the City of Huntingburg to its customers are in the best interest of the public served by said sewage works and that said schedule of rates and charges should be adopted.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Huntingburg, Indiana, as follows:

Section 1. For the use of and service rendered by the sewage works of the City of Huntingburg, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the City's sanitary sewer system, or which otherwise discharges sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the sanitary sewage system of the City of Huntingburg, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) Metered Water Users:

The sewage rates and charges shall include a treatment charge based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use; plus a base monthly charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly (or period equaling a month). The water usage schedule and the base monthly charge shall be determined as follows:

	Effective Dates:	<u>10/01/2020</u>	<u>10/01/2021</u>	<u>10/01/2022</u>
1. Treatment rate per 100 cu. ft. per month		\$5.14	\$5.73	\$6.30

PLUS;

2. Base Monthly Charge as follows:

<u>Meter Size:</u>		<u>Monthly Charge:</u>		
5/8 or 3/4	Inch Meter	\$25.87	\$28.85	\$31.74
1	Inch Meter	59.08	65.87	72.46
1 1/4	Inch Meter	93.03	103.73	114.10
1 1/2	Inch Meter	139.56	155.61	171.17
2	Inch Meter	223.28	248.96	273.86
3	Inch Meter	491.23	547.72	602.49
4	Inch Meter	859.67	958.53	1,054.38
6	Inch Meter	1,953.80	2,178.49	2,396.34

(b) Unmetered Water Users:

Residential users who do not have a metered supply of water shall be charged a flat rate per month as follows:

	Effective Dates:	<u>10/01/2020</u>	<u>10/01/2021</u>	<u>10/01/2022</u>
Flat rate residential users - per dwelling unit		\$51.72	\$57.67	\$63.44

(c) For the service rendered to the City of Huntingburg, said City shall be subject to the same rates and charges hereinabove provided, or to rates and charges established in harmony herewith.

- (d) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the City's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user, and the treatment charge and the base monthly charge for a 5/8 inch meter shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.
- (e) In the event two or more dwelling units, such as mobile homes, apartments, or housekeeping rooms, discharging sanitary sewage, water or other liquids into the City's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case the treatment charge for the quantity of water used on such premises shall be computed in the manner set out elsewhere herein, and the base monthly charge of a 5/8 inch meter shall apply to each of the number of dwelling units served through the single water meter. In the case of a mobile home park, the number of dwelling units shall be interpreted as the maximum capacity for mobile homes in said park, plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or other living space or spaces in which cooking facilities are provided.
- (f) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewage system, either directly or indirectly is not a user of water supplied by the Huntingburg Municipal Water Works, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City, then the owner or other interested party, at his expense, shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City.
- (g) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewage system, either directly or indirectly, is a user of water supplied by the City's Water Works and, in addition, uses water from another source which is not measured by a water meter or is measured by a meter not acceptable to the City then the owner or other interested party, at his expense, shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City.
- (h) Summer residential discount. All residential users shall be credited for summer usage that exceeds 125% of the four (4) month average winter usage, based upon the previous November, December, January and February usage. In the event that the residence is not occupied during any portion of the previous winter months, an estimate of the appropriate summer discount shall be determined based upon available historical data. The summer

discount will apply to the April through August usage periods (May through September billing periods).

- (i) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sanitary sewage system, either directly or indirectly, and uses water in excess of 7,500 gallons per month, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (j) The Wastewater Superintendent shall have the authority to grant adjustments to sewer bills in the event of water leaks if it can be shown to the satisfaction of the Superintendent that no portion of the water leak had entered the sanitary sewer system. Such adjustments shall be made by averaging the previous six (6) months usage.

Section 2. In order that the rates and charges may be justly and equitably adjusted to the service rendered to industrial users, the City of Huntingburg shall base its charges not only on volume, but also on the strength and character of industrial sewage and wastes which it is required to treat and dispose of. The City of Huntingburg shall require the owner or other industrial user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in such manner and by such method as the City may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The owner or other industrial user shall furnish a central sampling point available to the City at all times.

Normal sewage domestic waste strength should not exceed a biochemical oxygen demand ("BOD") of 300 milligrams per liter of fluid, suspended solids ("SS") in excess of 250 milligrams per liter of fluid, and ammonia nitrogen ("NH₃N") in excess of 30 milligrams per liter of fluid. Additional charges for treating industrial waste that is stronger-than-normal domestic waste shall be made on the following basis:

	Effective Dates:	<u>10/01/2020</u>	<u>10/01/2021</u>	<u>10/01/2022</u>
(1) <u>Rate Surcharge Based upon BOD:</u> BOD in excess of 300mg/l – charge /lb.		\$ 0.30	\$ 0.33	\$ 0.36
(2) <u>Rate Surcharge Based Upon SS:</u> SS in excess of 250 mg/l – charge /lb.		\$ 0.30	\$ 0.33	\$ 0.36
(3) <u>Rate Surcharge Based Upon NH3N:</u> NH3N in excess of 30 mg/l – charge /lb.		\$ 1.10	\$ 1.23	\$ 1.35

To determine the strength of the sewage and wastes, samplings and analysis shall be made from time to time whenever it is deemed advisable by the City of Huntingburg. After charges have been established based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the City by submitting analysis of composite samples of the sewage and wastes subject to such charges, certified by a registered engineer or qualified graduate chemist. The City may then adjust the charges to the ordinance rates required by such analysis or may recheck the findings by additional samplings and analysis.

The determination of Suspended Solids, Five-Day Biochemical Oxygen Demand, and Ammonia Nitrogen (NH3N) contained in the waste shall be made in accordance with the latest copy of “Standard Methods for the Examination of Water, Sewage and Industrial Wastes,” as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in conformance with “Guidelines Establishing Test Procedures for Analysis of Pollutants” Regulation CFR Part 136, published in the Federal Register on October 16, 1973.

Section 3. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the City of Huntingburg shall cause, on an annual basis, a study to be made within a reasonable period of time following the normal accounting period. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user

classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacement, debt service requirements and capital improvements to the waste treatment system. Said studies shall be conducted by officers and/or employees of the City of Huntingburg, or by a firm of certified public accountants, and/or by a firm of consulting engineers which firm shall have experience in such studies.

Section 4. Except for billing to multiple users such as apartment houses, mobile home courts and housekeeping rooms, the rates and charges may be billed to the tenant or tenants occupying the properties served unless otherwise requested in writing by the owners, but such billings shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served which are occupied by tenants shall have the right to examine the collection records by the City for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examinations shall be made at the office at which said records are kept and during the hours that such office is open for business.

Section 5. Connection Charge. The owner of any lot, parcel of real estate, or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) per each equivalent dwelling unit (EDU) served by such connection. The connection fee for industrial and commercial users shall be determined on the basis of the EDUs served by such connection as based on the area ratio of the water service meter serving such industrial or commercial user. An equivalent dwelling unit (EDU) shall be based upon a three-quarter inch water service meter.

<u>Connection Charge (Per EDU)</u>		<u>Area Ratio:</u>	
5/8 or 3/4	Inch Meter	1.000	\$ 1,250.00
1	Inch Meter	1.778	2,223.00
1 1/4	Inch Meter	2.778	3,473.00
1 1/2	Inch Meter	4.000	5,000.00
2	Inch Meter	7.111	8,889.00
3	Inch Meter	16.000	20,000.00
4	Inch Mete	28.445	35,556.00
6	Inch Meter	64.000	80,000.00

Section 6. Availability Charge. There is hereby established a sewer availability charge for any lot, parcel of real estate, or building connecting onto any local sewer, sewer interceptor, or sewer main constructed by the City. The amount of such sewer availability charge shall be determined from time to time by the Board of Public Works and Safety and shall be based on the pro-rata cost (per each equivalent dwelling unit) of constructing such local sewer, sewer interceptor, or sewer main sufficient to serve the lot, parcel of real estate, or building. The owner of any lot, parcel of real estate, or building connecting to the sewage works shall, prior to being permitted to make a connection, pay the applicable sewer availability charge.

2000 Sewage Works Extension Project:
Division A, B and C

Availability Fee per EDU:
\$2,150.00

Notwithstanding the foregoing, the Board of Public Works and Safety may, from time to time, enter into contracts with the owners of real property for the construction of sewer main extensions within the municipality or within four (4) miles outside of its corporate boundaries in order to provide service to an area pursuant to the provisions of IC 36-9-22, et seq. In such event, the Board of Public Works and Safety may establish and collect from any owner of real property who did not contribute to the original cost of such sanitary sewer main extension and who subsequently tap onto, uses, or deposits sewage into such sewage main extension or any lateral sewers connected thereto, a sewer availability charge based upon a fair pro-rata share of the cost of the construction of such sewer main extension.

Section 7. Installment Payments. The Board of Public Works and Safety may establish and place into effect, from time to time, as a matter of policy, a method of payment and collection of said connection charges and availability charges on an installment basis, with or without interest, subject to the penalties and remedies for nonpayment and collection when due, all as provided by this ordinance, or by law.

Section 8. Lateral Televised Inspection Services Fee. There is established a fee in the sum of One Hundred Dollars (\$100.00) for the first hour, or any part thereof, for private sanitary sewer lateral televised inspection by the City and an additional fee of One Hundred Dollars (\$100.00) per

hour for each additional hour. The service shall be provided by city wastewater utility personnel during normal working hours (after hours, weekends and holidays specifically excluded) and as time permits. Requests for the service shall be made at least twenty-four (24) hours in advance and shall be accompanied by a One Hundred Dollar (\$100.00) deposit.

Section 9. The rates and charges established by this ordinance shall be collected by the City, and such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used and the size of the water service rendered on or in the property or premises as the same is measured by the water meter there in use, and said metered water usage shall be determined from the meter readings as furnished by the water utility serving the City of Huntingburg.

Section 10. The City shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the City sewage system, regulator chambers, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collection, rebating, and refunding of such rates and charges.

The Board of Public Works and Safety is hereby authorized to prohibit dumping of wastes into the City sewage system, which, in its discretion, are deemed harmful to the operation of the sewage treatment works of said City or to require methods affecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Board of Public Works and Safety.

In the event any owner or other user of the sewage works shall permit the dumping of waste into the City's sewage system which are harmful to the operation of the sewage treatment works, then the owner or other user shall be required to pay a penalty of not less than One Hundred Dollars (\$100.00) per day for each day in which such dumping occurs, and such penalty shall be not less than the actual cost to the City of locating the source of dumping and remedying damages to the sanitary treatment plant or system caused by such dumping.

Section 11. All rates and charges for use of and services rendered by the sanitary sewage works of the City of Huntingburg as provided for herein shall be due and payable on the fourteenth day after the date of the mailing of the billing therefor. If a bill is not paid within fourteen (14) days

after the bill is mailed, it shall become a delinquent bill and a penalty shall be added in the amount of Ten Percent (10%) of the delinquent amount.

Section 12. For the purpose of this ordinance, the terms “sanitary sewage” and “industrial waste”, shall be defined as follows:

- (a) “Sanitary sewage” is hereby defined as the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, and stable floor drains.
- (b) “Industrial wastes” are hereby defined as being liquid waste resulting from any commercial, manufacturing or industrial operation or process.

Section 13. The rates and charges fixed by this ordinance shall become effective for services rendered during and after the first full billing period following adoption of this ordinance.

Section 14. The sections and subdivisions of this ordinance shall be deemed to be separate and several and if any part thereof shall be declared to be invalid, the same shall not affect any other portion.

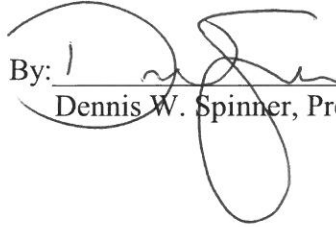
Section 15. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 16. This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and publication as required by law.

PASSED BY THE COMMON COUNCIL OF THE CITY OF HUNTINGBURG, INDIANA,
THIS 12th DAY OF September, 2020, BY THE FOLLOWING VOTE:

	Nay	Aye		Abstain	Absent
	—	<u>✓</u>	Glen E. Kissling	—	—
	—	<u>✓</u>	Jeffrey L. Bounds	—	—
	—	<u>✓</u>	Stephen C. McPherron	—	—
	—	<u>✓</u>	Jose A. Dubon	—	—
	—	<u>✓</u>	Timothy W. Wehr	—	—
TOTAL:	<u>0</u>	<u>5</u>		<u>0</u>	<u>0</u>

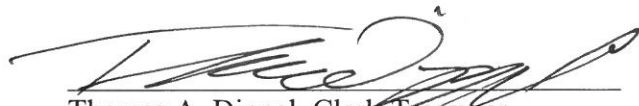
COMMON COUNCIL OF THE
CITY OF HUNTINGBURG, INDIANA

By: 
Dennis W. Spinner, Presiding Officer

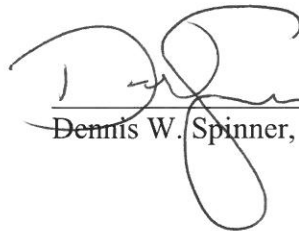
ATTEST:


Thomas A. Dippel, Clerk-Treasurer

Presented by me, the undersigned Clerk-Treasurer of the City of Huntingburg, to the Mayor of said City for his approval on the 23 day of September, 2020.


Thomas A. Dippel, Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the 23rd day of September, 2020, at 8:45 o'clock A.M.


Dennis W. Spinner, Mayor