

ORDINANCE NO. 2017-10-09

AN ORDINANCE ESTABLISHING A NEW SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF WARSAW, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF WARSAW AND REPEALING THOSE ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH. BE IT ORDAINED by the Common Council of the City of Warsaw, Indiana, that:

Section 1. **Purpose.** The Council finds that the existing sewer rates and charges for services rendered by the City's sewage works do not provide sufficient moneys for the operation, maintenance, and financing of said works, and that a general revision of rates and charges must be provided to accomplish these purposes.

DIVISION 4 RATES AND CHARGES

Section 2. **Amendments.** Chapter 78 of the City Code of Warsaw, Indiana, is amended to read as follows:

Subdivision II General Usage Charges

Section 78-153 is amended to read as follows:

Section 78-153. Dwelling Unit; Non-Metered Domestic Users

The rates and charges for all dwelling units, including single family, duplexes, apartments, condominiums, and mobile homes (by way of example and not limitation), that are not metered customers of Indiana American Water shall be Thirty-Nine Dollars and Twelve Cents (\$39.12) per month for each dwelling unit, with the same being the minimum monthly charge for each unit.

Section 78-154 is amended to read as follows:

Section 78-154. Concession in Non-Metered and Metered Domestic Rates and Charges

(A) The rate for dwelling units that are not metered customers of Indiana American Water when such dwelling units are occupied by individuals or families, who in fact pay the sewage assessment charge required by this Article, and who with the Sewage Collection Clerk maintain a separate account number and whose total individual or family gross income from whatever source is equal to or less than the U.S. Federal Poverty Guidelines in effect as described in paragraph (B) below, shall be Nineteen Dollars and Fifty Six Cents (\$19.56) per month. For domestic users that are customers of Indiana American Water, they shall pay 50% of the rates and charges reflected in Sections 78-155 and 78-156.

(B) Any person desiring to claim such rate shall file with the City his affidavit that he, or his entire family as the case may be, has an average annual income equal to or less than the U.S. Federal Poverty Guidelines based on a three person household in effect for the ensuing year, which affidavit shall be filed each year in the month of January or prior thereto, with respect to the ensuing year. Any person having once filed such an affidavit and failing to do so in each ensuing year shall not have the benefit of such reduced rate for the year for which an affidavit is not filed.

Subdivision II General Usage Charges (Cont.)

Section 78-155 is amended to read as follows:

Section 78-155. Metered Domestic, Non-Domestic or Other Users

The following rates and charges shall apply to all domestic and non-domestic users (who are metered customers of Indiana American Water) and shall be based upon the water used on the premises and returned to the sewage works for treatment:

	<u>User Charge</u>	<u>I/I Charge</u>	<u>Debt Service All Users</u>	<u>Debt Service Warsaw</u>	<u>Total</u>
Flow Charge (per 1,000 gallons)	\$3.73	\$.63	\$.44	\$.85	\$5.65

Section 78-156 is amended to read as follows:

Section 78-156. Base Charge

- (A) The following base charge, based on meter size, shall apply to all metered, domestic, non-domestic or other water users, subject to the application of Subsection D with respect to multiple dwelling units serviced by a single water meter.

<u>Size of Meter</u>	<u>Billing</u>	<u>Collection System</u>	<u>Total</u>
5/8" – 3/4"	\$3.79	\$ 8.21	\$ 12.00
1"	3.79	20.56	24.35
1-1/4" – 1-1/2"	3.79	41.11	44.90
2"	3.79	82.21	86.00
3"	3.79	189.06	192.85
4"	3.79	328.81	332.60
6"	3.79	748.01	751.80
8"	3.79	1,332.46	1,336.25
10"	3.79	2,081.31	2,085.10

(B) If 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 25,000 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 does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, 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.

Subdivision II General Usage Charges (Cont.)

(C) If 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 from a source which is not measured by a water meter or is measured by a meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, 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.

(D) In the event two or more dwelling units such as mobile homes and apartments, (by way of example and not limitation) 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, billing shall be for a single service in the manner set out elsewhere herein, except that the user shall pay a 5/8" – 3/4" base charge as provided in Section 78-156 times the number of dwelling units served through the single water meter. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent, plus any other dwelling units served through the meter. In the case of apartments, the number of dwelling units shall be computed and interpreted as the total number of rooms regardless of occupancy.

Section 78-158 is amended to read as follows:

Section 78-158. Minimum Monthly Charges for Non-Metered Users

The minimum charge for any non-metered service shall in no event be less than Thirty-Nine Dollars and Twelve Cents (\$39.12) per month except as provided for in Section 78-154 (A).

Section 78-159 is amended to read as follows:

Section 78-159. Surcharges for Extra-Strength Wastes, Industrial Permit Fees, Industrial Sampling fees

(A) Levy authorized; rates.

(1) In order that the rates and charges may be justly and equitably adjusted to the service rendered, the City shall have the right to base its charges not only on volume, but also on the strength and character of the sewage and wastes which it is required to treat and dispose of.

(2) Extra charges based upon the strength of the sewage and liquid waste shall be made on the following basis:

(a) Rate and surcharges based upon suspended solids. There shall be charged a rate of \$0.29 per pound of suspended solids for each pound of suspended solids received in excess of 250 milligrams per liter of fluid.

Subdivision II General Usage Charges (Cont.)

(b) Rate and surcharges based upon BOD. There shall be charged a rate of \$0.29 per pound of BOD for each pound of BOD received in excess of 250 milligrams per liter of fluid.

(c) Rate and surcharges based upon ammonia. There shall be charged a rate of \$0.97 per pound of ammonia for each pound of ammonia received in excess of 30 milligrams per liter of fluid.

(B) *Appeal by owner; adjustment.* After charges authorized by subsection (A) of this section have been established, based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the City. The City, upon review and report by the Utility Manager, may then adjust the charges to the rates required by such analyses. Requests for rate adjustments by the owner may be submitted not more often than once every billing period.

(C) *Strength testing standards; adoption by reference.* The determination of suspended solids and five-day biochemical oxygen demand, pursuant to Subsections (A) and (B) of this section, contained in the waste shall be in accordance with the latest copy, as of the date of adoption of this Code, of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", promulgated by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association, which standards are hereby incorporated by reference, two of which are on file in the City clerk-treasurer's office for public inspection. Certified copies may be viewed in the Utility Manager's office.

(D) In order to recover costs associated with administering the pretreatment program, each user subject to permit requirements shall pay a permit fee of \$2,142 per year.

(E) In order to recover the cost of monitoring industrial wastes, each user subject to monitoring shall pay a sampling fee of \$584 per sampling event.

Section 78-163 is amended to read as follows:

Section 78-163. Collection

(A) The rates and charges established by this division shall be collected by the city. The Board of Public Works and Safety shall make and enforce such bylaws and regulations as may be deemed necessary for the regulation, collection, rebating and refunding of such rates and charges.

(B) It shall be the duty of the officer charged with the collection of such charges to enforce payment of such charges, together with penalties as provided by law. All rates and charges not paid within 30 days following the billing date are hereby declared to be delinquent and a penalty of 10% of the amount of the rates and charges shall thereupon attach thereto. If any such charge shall not be paid for service rendered to any lot, parcel of real estate or building served within 30 days after written notice of the amount due has been given to the owner, such officer shall proceed to enforce payment as directed by the Board of Public Works and Safety or as provided by law.

Subdivision II General Usage Charges (Cont.)

(C) The City is authorized to charge each delinquent account for which it files a lien a delinquent fee in an amount equal to the current fees as established by the County Recorder to record the lien and the fee to release the lien, a Five Dollar (\$5.00) service charge, plus fees in amount that equal the certified mailing costs associated with the delinquent account.

(Code 1974, § 22-110)

Section 3. **Intent.** It is the intention of the City that the provisions of this Ordinance be incorporated in the City Code of Warsaw, Indiana, and said provisions may be renumbered to accomplish such intent.

Section 4. **Repeals.** Sections 78-153, 78-154, 78-155, 78-156(a), 78-158, 78-159, and 78-163 of the City Code of Warsaw, Indiana, are hereby repealed and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed or amended to the extent of such conflict; provided, however, that the existing rates and charges provided by this Ordinance shall become effective.

Section 5. **Effective Date.** This Ordinance shall be in full force and effect with the first full billing cycle after passage.

PASSED AND ADOPTED, by the Common Council of the City of Warsaw, Indiana this _____ day of _____, 2017.

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NAY

Cindy Dobbins

Cindy Dobbins

Jack Wilhite

Jack Wilhite

Ron Shoemaker

Ron Shoemaker

Jeff Grose

Jeff Grose

Mike Klondaris

Mike Klondaris

William Frush

William Frush

Diane Quance

Diane Quance

Subdivision II General Usage Charges (Cont.)

Presented to and approved by me on this _____ day of _____, 2017.

ATTEST:

Mayor Joseph M. Thallemer, Presiding Officer
Common Council, City of Warsaw

Lynne Christiansen, Clerk-Treasurer

