

Corporation of Liberty
P.O.BOX 7 LIBERTY, IN 47353
765-458-5823
Cheryl Begley, Clerk-Treasurer

RECEIVED

SEP 28 2012

INDIANA UTILITY
REGULATORY COMMISSION

Ross Keasling- President
Chris Rosenberger
Gerald Paul

Pete Petro-Vice President
Jim Hensley
Mike Douglass-Attorney

9-25-12

Dear Mr. Gassert,

Here is the petition of the Town of Liberty for approval of rate and charge difference between property within and property outside the corporate boundaries of Liberty for water and wastewater. If you have any questions or concerns please call me at the above phone number, or my email address is cherylbegley@gmail.com. Thank you for your help with this matter.

Sincerely



STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF LIBERTY)
FOR APPROVAL OF RATE AND CHARGE)
DIFFERENCE BETWEEN PROPERTY) CAUSE NO. _____
WITHIN AND PROPERTY OUTSIDE THE)
CORPORATE BOUNDARIES OF LIBERTY)

Pursuant to Indiana Code §8-1.5-3-8.3(c), Petitioner, the Town of Liberty, Indiana (“Liberty”), by counsel, respectfully petitions the Director of the Water and Wastewater Division of the Indiana Utility Regulatory Commission (“Commission”) to approve the rate and charge difference between property within and property outside the corporate boundaries of the Town of Liberty. In support of its Petition, Petitioner states:

1. The ordinance setting rates and charges for property within and property outside the municipality’s corporate boundaries took effect on May 4, 2009 for the Municipal Water Works.
2. Attached as “Exhibit A” is a copy of the ordinance.
3. The works that are the subject of the ordinances are (select one):
 - a. Water utility works _____
 - b. Wastewater utility works _____
 - c. Both water and wastewater utility works _____
4. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is approximately 40%.

WHEREFORE, The Town of Liberty, Indiana, requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of the Town of Liberty and for other just and reasonable relief.

Ms. Cheryl Begley, Clerk-Treasurer

Verification

I, Cheryl Begley, Clerk-Treasurer of the Town of Liberty, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed: Cheryl Begley

Date: 9-25-2012

Ms. Cheryl Begley
Clerk-Treasurer
Town of Liberty
1 South Fairground
PO Box 7
Liberty, IN 47353

LIBERTY (INDIANA) MUNICIPAL WATER WORKS

EXHIBIT A

ORDINANCE NO. 2009-2**AN ORDINANCE ESTABLISHING RATES AND CHARGES
FOR THE USE OF AND SERVICE RENDERED BY THE
WATERWORKS SYSTEM OF THE TOWN OF LIBERTY**

WHEREAS, the Town Council of the Town of Liberty, Indiana ("Town") has previously adopted Ordinance No. 2000-2 in February of 2000 ("Ordinance"), establishing the water rates and charges for the use and services rendered by the waterworks system of the Town; and

WHEREAS, the Town Council finds that the rates and charges established by the Ordinance are insufficient to enable the Town to properly operate its waterworks plant, service its bonds, and finance additions and improvements to its waterworks system; and

WHEREAS, the Town has caused a financial study of the Town's municipal waterworks ("Rate Study") to be made by H.J. Umbaugh & Associates, Certified Public Accountants, LLP, Indianapolis, Indiana, in connection with a proposed project for the construction of additions and improvements to the waterworks; and

WHEREAS, based upon such Rate Study, the Town Council of the Town finds that certain rates and charges contained in the Ordinance should be increased, and the Town Council has determined to replace the Ordinance by the adoption of this rate ordinance;

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

Section 1. There shall be and there are hereby established for the use of and the service rendered by the waterworks system of the Town of Liberty, the following rates and charges based on the use of water supplied by the waterworks system:

A. Inside Town Limits:

| Metered Rates, Per Month | | <u>Rate Per 1,000 Gallons</u> |
|--------------------------|----------------|-----------------------------------|
| For the first | 3,000 gallons | \$4.65 |
| For the Next | 6,000 gallons | 2.96 |
| For the Next | 9,000 gallons | 2.23 |
| For the Next | 50,000 gallons | 1.31 |
| For all Over | 68,000 gallons | 0.93 |

Unmetered at Town Garage, Rates Per Month

| | |
|---------------------------------|--------|
| Rate Per 1,000 gallons | \$7.02 |
| Minimum charge of 1,000 gallons | 7.02 |

Minimum Charge

Each user shall pay a minimum charge in accordance with the size of meter installed, for which the user will be entitled to the quantity of water set in the metered schedule of rates.

| | <u>Gallons Allowed</u> | <u>Charge Per Month</u> |
|-----------------------|----------------------------|-----------------------------|
| 5/8 or 3/4 inch meter | 2,000 | \$9.30 |
| 1 inch meter | 4,860 | 19.46 |
| 1 1/4 inch meter | 6,500 | 24.31 |
| 1 1/2 inch meter | 8,600 | 30.53 |
| 2 inch meter | 11,400 | 37.06 |
| 3 inch meter | 30,000 | 67.50 |
| 4 inch meter | 50,000 | 93.73 |
| 6 inch meter | 100,000 | 147.04 |

B. Outside Town Limits

Metered Rates, Per Month

| | | <u>Rate Per 1,000 Gallons</u> |
|---------------|----------------|-----------------------------------|
| For the first | 3,000 Gallons | \$6.50 |
| For the Next | 6,000 Gallons | 4.15 |
| For the Next | 9,000 Gallons | 3.12 |
| For the Next | 50,000 Gallons | 1.83 |
| For all Over | 68,000 Gallons | 1.29 |

Minimum charges

Each user shall pay a minimum charge in accordance with the size of meter installed, for which the user will be entitled to the quantity of water set in the metered schedule of rates.

| | <u>Gallons Allowed</u> | <u>Charge Per Month</u> |
|-----------------------|----------------------------|-----------------------------|
| 5/8 or 3/4 inch meter | 2,000 | \$13.00 |
| 1 inch meter | 4,860 | 27.22 |
| 1 1/4 inch meter | 6,500 | 34.03 |
| 1 1/2 inch meter | 8,600 | 42.74 |
| 2 inch meter | 11,400 | 51.89 |
| 3 inch meter | 30,000 | 94.44 |
| 4 inch meter | 50,000 | 131.07 |
| 6 inch meter | 100,000 | 205.26 |

C. Fire Protection Sprinklers

Service under this rate shall consist of standby service for fire emergencies and all water taken through such connections shall be restricted to fire emergencies only. The utility reserves the right to install flow detectors from time to time to see that the service is restricted to fire fighting purposes.

| Size of Connection | <u>Annual Rate Per Connection</u> |
|--------------------|---------------------------------------|
| 4 inch or less | \$61.00 |
| 6 inch | 91.50 |
| 8 inch | 122.00 |

D. Hydrant Rental

| | |
|---------------------------|----------|
| Private Hydrant per annum | \$122.00 |
|---------------------------|----------|

| E. Public Fire Protection Charge | <u>Per Month</u> |
|----------------------------------|------------------|
| 5/8 or 3/4 inch meter | \$0.82 |
| 1 inch meter | 2.05 |
| 1 1/2 inch meter | 4.10 |
| 2 inch meter | 6.56 |
| 3 inch meter | 12.30 |
| 4 inch meter | 20.50 |
| 6 inch meter | 41.00 |
| 8 inch meter | 65.60 |
| 10 inch meter | 94.30 |

12 inch meter 176.30

F. Tapping Fees

Each user, at the time he is connected with the waterworks system shall pay a charge to cover the cost of tapping the main, furnishing and laying service pipe, corporation and stop cocks, service and meter box and installing the meter.

The charge for 5/8 inch meter tap inside the corporate limits shall be \$500.00. The charge for a 5/8 inch meter tap outside the corporate limits or a tap larger than the 5/8 inch meter tap will be the cost of labor and materials, but not less than \$500.00

G. Collection or Deferred Payment Charge

All bills for water service not paid within 15 days from the due date thereof, as stated on such bills, shall be subject to a collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

H. Temporary users

Water furnished to temporary users, such as contractors, circuses, etc., shall be charged on the basis of the above quantity rates as estimated by the Waterworks Superintendent.

I. Turn on Fees

A reconnection fee shall be charged for reinstating water service to a customer after any disconnection.

| | |
|----------------------------|---------|
| Scheduled | \$20.00 |
| Non-payment or unscheduled | \$35.00 |

J. Bad Check Charge \$10.00

When a customer's check is not honored due to insufficient funds, a charge for processing same will be made by the utility in the amount of \$10.00

K. System Development Charge - Availability Fee

In addition to any other fees or charges paid to the municipal waterworks to establish a water connection, any new user requesting a new connection to the Town's municipal waterworks shall pay a onetime availability fee based upon the meter size of the connection, as follows:

| | |
|-----------------------|----------|
| 5/8 or 3/4 inch meter | \$465.00 |
| 1 inch meter | 1,163.00 |
| 1 1/4 inch meter | 1,860.00 |
| 1 1/2 inch meter | 2,325.00 |

| | | |
|---|------------|-----------|
| 2 | inch meter | 3,720.00 |
| 3 | inch meter | 6,975.00 |
| 4 | inch meter | 11,625.00 |
| 6 | inch meter | 23,250.00 |

L. Policy On Delinquent Water Accounts

The Clerk-Treasurer shall give at least ten days from mailing of notice before the disconnection is made. Customer shall pay delinquent amount or contact Clerk-Treasurer to make payment arrangements before the date of disconnection on the notice.

Only one payment arrangement per calendar year will be allowed.

If payment or arrangement has not been done before date on notice the Clerk-Treasurer shall issue the shut off notice and give to Water Superintendent for the water department to turn off the water. The person doing the disconnection should knock on the door, if customer is home to advise them water service is being disconnected. If no one is home he is to disconnect water and leave red tag on the door. Any variation to this policy shall be cleared with the Clerk-Treasurer.

M. Multiple Billing Units

In case of apartment houses, trailer courts or business houses occupied by more than one business, each apartment, trailer and business shall be considered a separate billing unit. Where the physical structure is such that it would be economically prohibitive to meter separately each billing unit and more than one billing unit is metered by a single meter, then the amount of the monthly water bill for each billing unit shall be computed with the minimum charged applied to each separate billing unit, or when the use of water shown by the single meter is in excess of the consumption allowed for the combined minimums, the total gallons used shall be divided by the number of separate billing units and the resulting number of gallons shall be used to compute the bill for each billing unit.

In all cases of multiple billing units with one master meter, the water charges shall be billed to the owner(s) of the property service and the owner(s) shall be responsible for the payment thereof.

N. Customer Deposit

An initial deposit of One Hundred Dollars (\$100.00) for all customers shall be charged before service is initially connected for the customer. Said deposit shall be returned to the customer when customer has terminated water service provided all charges due and owing from the customer are paid. Otherwise the deposit shall be used to offset any charge due and owing by the customer.

Customers which are habitually disconnected for non-payment or for customers which reflect a non-payment intention shall be subject to an additional deposit of One Hundred Dollars (100.00).

Section 2. The rates herein approved shall provide for a reasonable return on the water utility plant of the Town and such legal and other necessary expense as provided for in I.C. 8-1.5-3-8.

Section 3. All ordinances and parts of ordinance in conflict herewith are hereby repealed.

Section 4. The rates and charges set forth in this ordinance shall become effective after passage and shall be reflected in the billing cycle immediately following the adoption of this ordinance.

Adopted and approved by the Town Council of the Town of Liberty, Indiana on the 4th day of May, 2009.

Chris Ross
Rose & Selig
Parish
James R. Hensley

ATTEST:

Cheryl Begley
Cheryl Begley, Clerk-Treasurer

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF LIBERTY)
FOR APPROVAL OF RATE AND CHARGE)
DIFFERENCE BETWEEN PROPERTY) CAUSE NO. _____
WITHIN AND PROPERTY OUTSIDE THE)
CORPORATE BOUNDARIES OF LIBERTY)

Pursuant to Indiana Code §8-1.5-3-8.3(c), Petitioner, the Town of Liberty, Indiana (“Liberty”), by counsel, respectfully petitions the Director of the Water and Wastewater Division of the Indiana Utility Regulatory Commission (“Commission”) to approve the rate and charge difference between property within and property outside the corporate boundaries of the Town of Liberty. In support of its Petition, Petitioner states:

1. The ordinance setting rates and charges for property within and property outside the municipality’s corporate boundaries took effect on April 1, 2012 for the Municipal Sewage Works.
2. Attached as “Exhibit A” is a copy of the ordinance.
3. The works that are the subject of the ordinances are (select one):
 - a. Water utility works _____
 - b. Wastewater utility works X
 - c. Both water and wastewater utility works _____
4. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is approximately 40%.

WHEREFORE, The Town of Liberty, Indiana, requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of the Town of Liberty and for other just and reasonable relief.

Ms. Cheryl Begley, Clerk-Treasurer

Verification

I, Cheryl Begley, Clerk-Treasurer of the Town of Liberty, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed: Cheryl Begley

Date: 9-25-2012

Ms. Cheryl Begley
Clerk-Treasurer
Town of Liberty
1 South Fairground
PO Box 7
Liberty, IN 47353

LIBERTY (INDIANA) MUNICIPAL SEWAGE WORKS

EXHIBIT A

ORDINANCE NO. 2012-01**AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES, CHARGES AND AVAILABILITY FEES TO BE COLLECTED BY THE TOWN OF LIBERTY FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN OF LIBERTY AND OTHER MATTERS CONNECTED THEREWITH.**

WHEREAS, the Town has heretofore constructed and has in operation a sewage works for the purpose of collection and disposing of the sewage of the Town in a sanitary manner; and

WHEREAS, it is necessary to establish a new schedule of rates and charges to produce sufficient revenue to pay expenses of maintenance and operation and to provide funds for necessary replacement and improvements to the sewage works; now therefore

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LIBERTY

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(a) "Council" shall mean the Town Council of the Town of Liberty, or any duly authorized officials acting on its behalf.

(b) "Town" shall mean the Town of Liberty acting by and through the Council.

(c) "Industrial wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

(d) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, associations, society, institution, enterprise, governmental agency or other entity.

(e) "Shall" is mandatory, "May" is permissive.

(f) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.

(g) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.

Section 2. For the use of and the service rendered by said sewage works, 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 Town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Liberty. Such 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 be based on the quantity of water 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, subject to a minimum charge, 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). Phase I rates and charges are to be effective April 1, 2012 or the first practical billing cycle after April 1, 2012, but not later than June 1, 2012. Phase II rate and charges are to be effective two years after the Phase I rates are implemented, but not later than June 1, 2014. Phase III rates and charges are to be effective two years after the Phase II rates are implemented, but not later than June 1, 2016. The water usage schedule on which the amount of said rates and charges shall be determined as follows:

I. METERED USERS

| <u>Monthly flow Rate Per 1,000 gallons</u> | | | <u>Phase I</u> | <u>Phase II</u> | <u>Phase III</u> |
|--|--------|---------|----------------|-----------------|------------------|
| First | 3,000 | gallons | \$15.48 | \$16.56 | \$17.72 |
| Next | 7,000 | gallons | 10.33 | 11.05 | 11.82 |
| Next | 15,000 | gallons | 5.23 | 5.60 | 5.99 |
| Next | 25,000 | gallons | 2.78 | 2.97 | 3.18 |
| Over | 50,000 | gallons | 2.09 | 2.24 | 2.40 |

Customers outside the city limits have a surcharge of forty percent

(40%) above bills established by rates.

| <u>Monthly Minimum Charge</u> | | <u>Gallons Allowed</u> | | | |
|-------------------------------|------------|------------------------|---------|---------|---------|
| 5/8 | inch meter | 3,000 | \$46.44 | \$49.68 | \$53.16 |
| 1 | inch meter | 7,500 | 92.93 | 99.41 | 106.35 |
| 1 1/4 | inch meter | 12,000 | 129.21 | 138.23 | 147.88 |
| 1 1/2 | inch meter | 17,000 | 155.36 | 166.23 | 177.83 |
| 2 | inch meter | 30,000 | 211.10 | 225.88 | 241.65 |
| 3 | inch meter | 69,000 | 306.41 | 327.84 | 350.85 |
| 4 | inch meter | 120,000 | 413.00 | 442.08 | 473.25 |
| 6 | inch meter | 273,000 | 732.77 | 784.80 | 840.45 |

II. SYSTEM DEVELOPMENT CHARGE -- AVAILABILITY FEE

Phase I Phase II Phase III

| | | | | |
|-------|------------|-----------|-----------|-----------|
| 5/8 | inch meter | \$390.00 | \$390.00 | \$390.00 |
| 1 | inch meter | 975.00 | 975.00 | 975.00 |
| 1 1/4 | inch meter | 1,560.00 | 1,560.00 | 1,560.00 |
| 1 1/2 | inch meter | 2,262.00 | 2,262.00 | 2,262.00 |
| 2 | inch meter | 3,900.00 | 3,900.00 | 3,900.00 |
| 3 | inch meter | 8,970.00 | 8,970.00 | 8,970.00 |
| 4 | inch meter | 15,600.00 | 15,600.00 | 15,600.00 |
| 6 | inch meter | 35,490.00 | 35,490.00 | 35,490.00 |

| | | | |
|--------------|---------|---------|---------|
| III. NSF Fee | \$25.00 | \$25.00 | \$25.00 |
|--------------|---------|---------|---------|

(b) Unmetered Water Users:

For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be equal to the average of previous billings as determined by the Town.

Section 3. The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section. The Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sanitary sewage system.

(a) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial wastes, water or other liquids into the Town sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town, 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 Town then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this ordinance, 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 Town, for determining of sewage discharge.

(b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. 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 Town for the determination of sewage discharge.

(c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town'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 each such case for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or building served through the single water meter.

(d) **Multiple Billing Units:** In case of apartment houses, trailer courts or business houses occupied by more than one business, each apartment, trailer and business shall be considered a separate billing unit. Where the physical structure is such that it would be economically prohibitive to meter separately each billing unit and more than one billing unit is measured by a single meter, then the amount of the monthly sewer bill for each billing unit shall be computed with the minimum charge applied to each separate billing unit, or when the use of water shown by the single meter is in excess of the consumption allowed for the combined minimums, the total gallons used shall be divided by the number of separate billing units and the resulting number of gallons shall be used to compute the bill for each unit.

(e) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town 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, at his expenses, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

Section 4. 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 \$500.00. The Town Council now finds such a tap-in charge to be reasonable and equitable pro rata cost of construction of a local, or lateral sewer adequate to serve the property so connecting and the cost of providing a connection to the sewer system.

Section 5. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

(a) **Billings.** Charges for sewage service shall be made each month of the calendar year. All bills are to be rendered on or before the 1st day of the month following the month for which charges are made, and shall be use and payable by the 15th day of the month.

(b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(c) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates,

or charges shall thereupon attach thereto.

(d) Delinquencies. In the event the charges for sewage service are not paid within thirty (30) days after the due date of the bill the customer will be mailed a letter notifying them of delinquency and that they have 30 days to pay billing statement; otherwise their respective water service will be disconnected.

Section 6. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage conveyance system, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its direction, are deemed harmful to the operation of the sewage treatment works of the Town or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the Town of Liberty.

Section 7. In addition to any other fees or charges paid to the municipal sewage works to establish a sewage connection, any new user requesting a new connection to the Town's municipal sewage works shall pay a one-time availability fee based upon the meter size of the connection in accordance with the study prepared by Umbaugh & Associates, as seen on page 3 of this ordinance.

Section 8. The individuality of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 9. All ordinances and parts of ordinance in conflict herewith are hereby repealed.

Section 10. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Liberty on the 6th day of February, 2012.

| |
|-----------------------------|
| <i>Chris Glavin</i> |
| <i>Paul J. [unclear]</i> |
| <i>[unclear]</i> |
| <i>[unclear]</i> |
| <i>[unclear]</i> |
| Liberty Town Council |

ATTEST:

Cheryl M. Begley
Cheryl M Begley, Clerk-Treasurer