

## **ORDINANCE No. 2022-609**

**DRAFT 4-22-2022**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ESTABLISHING A SCHEDULE OF RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE SEWAGE WORKS SYSTEM OF THE TOWN AND OTHER MATTERS ASSOCIATED THEREWITH**

WHEREAS, the Town Council of the Town of Battle Ground, Indiana (the "Town") does own and operate a municipal sewage works system for the treatment of wastewater for the benefit of the residents and property owners (the "Sewage Works"); and

WHEREAS, the Town anticipates continued improvements and upgrading of the Sewage Works for the treatment of wastewater; and

WHEREAS, the Town Council of the Town (the "Town Council") has previously adopted its Ordinance No. 2012-498 establishing a schedule of rates and charges for the use of and services rendered by the Sewage Works; and

WHEREAS, the Town has caused a financial rate study of the Sewage Works and its rates and charges to be prepared by London Witte Group, certified public accountants, and based upon the results of the study, the Town Council now determines that rates and charges should be revised to produce sufficient income to maintain the Sewage Works in a sound physical and financial condition to render adequate and sufficient service, and to finance certain improvements and extensions to the Sewage Works; and

WHEREAS, the Town Council has established that a phased increase will be used to provide for operations and improvements, and

WHEREAS, the Town Council now determines that proper notice has been duly given as required by Indiana Code 36-9-23-26, and that a public hearing on the proposed revised schedule of rates and charges was held on the 2<sup>nd</sup> day of May, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, AS FOLLOWS:

SECTION 1.

There shall be and there are hereby established for the availability, use of, and/or service rendered by the wastewater system of the Town of Battle Ground and each person and user of the system and all owners of property served or to be served by the waterworks, shall be charged.

The sewage rates and charges shall be based on the meter size and 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 then in use. For the purpose of billing and collecting the charges for sewage service, the water usage schedule on which the amount of said rates and charges shall be determined is as follows:

(A) *Gallon Fee Based on Meter Reading*

Use Per Month	Cost Per 1,000 Gallons		
	May 2022	2023	2024
First 5,000 gallons	\$17.83	\$18.54	\$19.28
Next 10,000 gallons	\$10.71	\$11.14	\$11.58
Next 20,000 gallons	\$ 8.93	\$ 9.29	\$ 9.66
Over 35,000 gallons	\$ 6.75	\$ 7.02	\$ 7.30

(B) *Unmetered wastewater service for residential single family*

3,300 gallons/month	\$58.85	\$61.18	\$63.62
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(C) *Minimum Charge*

Each connection shall pay a minimum charge, based upon the size of the meter installed. The user shall be entitled to the stated quantity of gallons per month and pay per gallon above the allowed amount in the following table:

*Minimum Charge per Meter Size*

Meter Size	Gallons Allowed	2022	2023	2024
5/8 and 3/4 inch meter	2,000	\$ 35.66	37.08	38.56
1 inch meter	3,000	\$ 53.49	55.62	57.84
1 ¼ inch meter	5,000	\$ 89.15	92.70	96.40
1 ½ inch meter	7,000	\$ 10.57	114.98	119.58
2 inch meter	15,000	\$ 196.25	204.10	212.30
3 inch meter	30,000	\$ 330.20	343.45	357.20
4 inch meter	40,000	\$ 408.60	425.00	442.00
6 inch meter	75,000	\$ 644.85	670.70	697.50
8 inch meter	150,000	\$ 1151.10	1197.20	1245.00

*(D) Collection and Deferred Payment Charge.*

All bills for water service not paid within seventeen (17) days from the first of the month billing will be subject to a Ten Percent (10%) collection or deferred payment charge 170 IAC 6-1-13 (10). If water service is shut off for delinquent payment or fines, sewer service may also be denied by capping the sewer line at the tap. Expense in time and materials to restore service is paid by the customer.

*(E) Tampering fine*

There shall be a fine for tampering with manhole covers, unlawful dumping of waste, or damage to any sewage plant or collection system component, as follows:

- i) Fine for each instance of tampering Five Hundred Dollars (\$500.00)
  - a. The fine does not limit prosecution and recovery of damages by other means, including but not limited to a lien on the property.
  - b. Collection fees, legal fees and court costs related to recovery of damages are to be paid by the perpetrator.

*(F) Tap fee.*

The application fee for installation of new service is \$1520.00. Construction estimates exceeding this amount will be paid in advance, and actual installation costs will be billed for time and materials.

*(G) New account deposit*

Customers will pay a security deposit of \$60 to begin and retain an active account. This amount may be applied to charges to correct a delinquent account or close an account.

**SECTION 2.** The foregoing revised Phase 1 rates and charges contained in Section 1 of this Ordinance shall become effective May 15, 2022. The first billing date is July 15.

Phase II rates will be effective May 15, 2023.

Phase III rates will be effective May 15, 2024

**SECTION 3.** In the event any one or more of the provisions contained in this Ordinance should be held invalid, illegal, or unenforceable in any respect, the validity, legality, and

enforceability of the remaining provisions contained herein shall not in any way be affected or impaired and shall remain in full force and effect.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage and adoption.

Duly adopted on first reading by the following vote of the members of said Battle Ground Town Council this \_\_\_\_ day of May, 2022.

AYE

NAY

**Attest:** \_\_\_\_\_

Georgia Jones, Clerk Treasurer

Duly adopted on second reading by the following vote of the members of said Battle Ground Town Council this \_\_\_\_ day of May, 2022.

AYE

NAY

**Attest:** \_\_\_\_\_

## Georgia Jones, Clerk Treasurer