

ORDINANCE 2016-014

**AN ORDINANCE AMENDING AND RESTATING
ORDINANCE 2014-011, A SCHEDULE OF RATES AND CHARGES TO
BE COLLECTED BY THE TOWN OF CULVER, INDIANA, FROM
THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN AND
OTHER MATTERS CONNECTED THEREWITH**

WHEREAS, the Town Council of the Town of Culver (the "Town") has heretofore authorized the construction, maintenance and operation of works for the collection, treatment and disposal of sewage and has heretofore constructed, maintained and operated such works; and

WHEREAS, the operation of such works for the collection, treatment and disposal of sewage is authorized by the provisions of I.C. 36-9-23 and all laws amendatory thereof and supplemental thereto (the "Act"), which Act requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by ordinance finally adopted after due notice and public hearing; and

WHEREAS, the Town finds that the existing rates and charges for the use of and service rendered by said sewage works of said Town are insufficient to enable the Town to operate and maintain its sewage works, provide for debt service requirements, and finance extensions and additions to the works and that the existing rates and charges should be increased; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CULVER, INDIANA:

Section 1. For the use of and the services rendered by the 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 sewage system or otherwise discharges sanitary sewage, industrial waste, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the Town which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

A. Except as herein otherwise provided, sewage rates and charges shall be based upon the quantity of water used on or in the property or premises subject to said rates and charges as the same is measured by the water meter thereby used.

B. The water usage schedule on which the amount of said sewage rates and charges shall be determined shall become effective in two phases with a 6% increase for Phase I effective December 1, 2014 and a 6% increase for Phase II effective December 1, 2015, said rates shall be as follows:

Treatment rate per 1,000 gallons	<u>Phase I</u>	<u>Phase II</u>
	\$4.94	\$5.24

The base rate for any user where the user is a metered customer shall be based upon meter sizes as follows:

<u>Size of Meter</u>	<u>Phase I</u>	<u>Phase II</u>
5/8-3/4 inch meter	\$ 16.22	\$ 17.19
1 inch meter	\$ 38.53	\$ 40.84
1 1/4 - 1 1/2 inch meter	\$ 87.61	\$ 92.87
2 inch meter	\$ 150.06	\$ 159.06
3 inch meter	\$ 343.40	\$ 364.00
4 inch meter	\$ 611.09	\$ 647.76
6 inch meter	\$1,369.55	\$1,451.72
8 inch meter	\$2,440.32	\$2,586.74
10 inch meter	\$3,808.53	\$4,037.04
12 inch meter	\$5,489.04	\$5,818.38

For users of the sewage works who are unmetered, the monthly charge shall be determined by equivalent single family dwelling unit. The charge for sewage service for a single family dwelling unit shall be \$35.98 per month for Phase I and \$38.14 per month with Phase II. Provided, however, that such single family dwelling user with an unmetered supply of water may, at the customer's expense, install and maintain meters acceptable to the Town for the purpose of metering water supply used on or in the premises. In such case, the metered water usage shall be used as a basis for charge as set forth in Section 1, Sub-Paragraph B above. In the event the user is a non-residential user, the base fee shall be determined by multiplying the estimated equivalent single family dwelling units of the non-residential user by the base charge for a 5/8-3/4 inch meter. The estimated equivalent single family dwelling units of the non-residential customer shall be determined by the Town.

For the South-West Lake Maxinkukee Conservancy District wholesale user the rates shall be increased 6% for Phase I and increased 6% for Phase II as follows:

Treatment Rate per 1,000 gallons	<u>Phase I</u>	<u>Phase II</u>
	\$ 2.75	\$ 2.92
Plus base rate:		
Wholesale Contract User	\$ 456.81	\$ 484.22

Section 2.

A. The quantity of water obtained from sources other than the municipal waterworks of the Town and discharged into the public sanitary system may be determined by the Town Council of the Town in such manner as the Town Council of the Town shall elect, and the sewage treatment service may be billed at the above appropriate rates.

B. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the Town's waterworks and is not a single family dwelling unit and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, 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 Town for the determination of sewage discharge.

C. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the Town's waterworks 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 Town and such user is not a single family dwelling unit, the amount of water used shall be otherwise measured or determined by the Town. The owner or other interested party, at his expense, shall install and maintain meters, weirs, volumetric measuring device or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

D. In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of 50,000 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 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 in order to ascertain the rates and charges.

E. In the event two or more residential lots, parcels of real estate or buildings discharging sanitary waste, 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 such case, for billing purposes, the quantity of water used shall be averaged for each user and the base rate and the treatment rate shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

F. In the event two or more dwelling units such as trailers, apartments or housekeeping rooms 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 such case, billing shall be for a single service in the manner set out elsewhere herein, except that such charge shall not be less than the multiple of the dwelling units times the base rate for a 5/8 - 3/4 inch meter. In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a

room or rooms or any other place or spaces in which cooking facilities are provided, and having individual sink and toilet facilities.

G. For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided or to rates and charges established in harmony herewith.

H. No lot, parcel of real estate or building located outside the corporate limits of the Town shall discharge sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, without the prior consent of the Town. In the event such permission is granted, the rates and charges applying to said lot, parcel of real estate or building located outside the corporate limits shall be the rates and charges as determined and set by the Town Council.

I. A sub-divider, developer, other owner or user shall be required to extend and pay for local and lateral sewers which shall be constructed to the specifications of the Town on such streets, rights-of-way or other easements as may be available and to dedicate such local and lateral sewers and appurtenances thereto to the Town. The Town shall thereafter own, operate and maintain such local and lateral sewers.

J. A system development charge shall be made to the owner or other users for expense of the Town in maintaining a sewer system. All expenses related to the extension of the sewer system, including but not limited to excavation, tapping the sewer, materials required to extend the sewage system, back-filling the trench and replacing the pavement shall be the responsibility of the developer or property owner in addition to the system development charge. Town personnel shall inspect and approve the sewer tap prior to backfill. The System development charge shall be based on the size of the waterline. A system development charge of \$594 shall be assessed for a landowner with a 3/4-inch waterline. A system development charge of \$726 shall be assessed for a landowner with a 1-inch waterline. A system development charge of \$1,452 shall be assessed for a landowner with a 2-inch waterline. A system development charge of \$2,904 shall be assessed for a landowner with a 4-inch waterline. A system development charge of \$4,356 shall be assessed for a landowner with a 6-inch waterline, \$5,808 shall be assessed for a landowner with an 8-inch waterline, and \$7,206 shall be assessed for a landowner with a 10-inch waterline.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town 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. The Town shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the Town's sanitary sewage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.

Extra charges based on the strength of the sewage and liquid wastes shall be made on the following basis:

Rate Surcharge Based Upon Suspended Solids

	<u>Phase I</u>	<u>Phase II</u>
Suspended solids per pound	\$0.55	\$0.58

For each pound of Suspended Solids in excess of 220 MG/L the charge shall be \$.55 per pound for Phase I and \$0.58 per pound for Phase II.

Rate Surcharge Based Upon Ammonia

	<u>Phase I</u>	<u>Phase II</u>
Ammonia per pound	\$1.49	\$1.58

For each pound of Ammonia in excess of 12.5 MG/L the charge shall be \$1.49 per pound for Phase I and \$1.58 per pound for Phase II.

Rate Surcharge Based Upon BOD

	<u>Phase I</u>	<u>Phase II</u>
BOD per pound	\$0.42	\$0.45

For each pound of BOD in excess of 220 MG/L the charge shall be \$0.42 per pound for Phase I and \$0.45 per pound for Phase II.

To determine the strength of the sewage and wastes, samplings and analyses may be made from time to time whenever it is deemed desirable by the Town Council of the Town. After charges have been established, based upon the strength of sewage and wastes, the owner may request reconsideration of these charges by the Town Council by submitting analyses of composite samples of the sewage and wastes subject to such charges, certified by a Registered Engineer or a qualified graduate chemist. The Town Council may then adjust the charges to the Ordinance rates required by such analysis or may recheck the findings by additional sampling and analysis. Requests for rate adjustments by the owner may be submitted no more than once every twelve (12) months.

The determination of Suspended Solids, Five-day Biological Oxygen Demand and Ammonia contained in the waste shall be 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 Federation of Sewage and Industrial Wastes Association.

Section 4. The terms "sanitary sewage" and "Industrial Wastes" shall be defined as follows:

A. "Sanitary sewage" is defined as waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor

drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

B. "Industrial wastes" are defined as being the liquid waste or liquid-borne waste resulting from any commercial manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town based upon monthly meter readings. Said rates and charges will be billed to the tenant or tenants occupying the property if requested in writing by the owners, but such billing shall in nowise relieve the owner from liability in the event payment is not made as herein required. The owners of the property served, which are occupied by tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by the tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

Section 6. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economic and efficient management of the Town's sewer system and for the construction and use of house sewers and connections to the sewer system, and for the regulation, collection, rebating and refunding of rates and charges. The enforcement and collection of sewage fees shall be enforced by state statute (I. C. 36-9-23-31 thru 34).

Section 7. The Town is hereby authorized to prohibit dumping of waste into the Town's sewer system which, in its discretion, is deemed harmful to the operation of the sewage works, or to require methods affecting pretreatment of said wastes to reduce the harmful characteristics of the waste satisfactory to the Town.

Section 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed, including Ordinance No. 2005-002, Ordinance No. 2005-003, and Ordinance No. 2014-011. The invalidity of any section, clause or sentence or provisions 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. This ordinance shall be in full force and effect from and after its passage.

PASSED and ADOPTED this 9th day of August, 2016.

TOWN COUNCIL
TOWN OF CULVER, INDIANA

By Ginny B. Munroe
Ginny Bess Munroe, President

By Sally Ricciardi
Sally Ricciardi, Vice President

By Dave Beggs
Dave Beggs, Member

By Joel Samuelson
Joel Samuelson, Member

By Tammy Shaffer
Tammy Shaffer, Member

ATTEST:

Karen Heim
Karen Heim, Clerk-Treasurer