

ORDINANCE NO. 1998-1

SEWER RATE ORDINANCE

An Ordinance establishing a new schedule of rates and charges to be collected by the Town of Medaryville from the owners of property served by the sewage works of said Town and other matters connected therewith.

WHEREAS, the Town is the owner of, operates, and maintains a sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner financed in part by a grant from the U.S. Environmental Protection Agency and issuance of revenue bonds to be sold through the State of Indiana Wastewater Revolving Loan Program administered by the Indiana Department of Environmental Management; and,

WHEREAS, it is necessary to revise the schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, and to pay the principal and interest on the proposed revenue bonds in accordance with the applicable bond ordinance, all in a manner accordance with the guidelines of the U.S. Environmental Protection Agency and Indiana Department of Environmental Management; and,

WHEREAS, since the passage of Ordinance No. 1995-6 it has become necessary to adjust said rates and charges to take into account additional construction and other costs incurred or to be incurred; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MEDARYVILLE:

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

- a. "Ammonia" (or $\text{NH}_3\text{-N}$) shall have the same meaning as defined in the Sewer Use Ordinance.
- b. "Board" shall mean the Town Council of the Town of Medaryville, or any duly authorized officials action in its behalf.
- c. "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- d. "CBOD" (Or Carbonaceous Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.

- c. "COD" (or Chemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- f. "Local Capital Costs" shall mean the average annual principal and interest payments on all proposed revenue bonds or other longer-term capital debt.
- g. "Excessive Strength Surcharge" shall mean an additional charge, which is billed to users for treating sewage waste with an average strength in excess of "normal domestic sewage".
- h. "Industrial Wastes" shall mean the wastewater discharge from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- i. "NPDES (National Pollutant Discharge Elimination System) Permit" shall mean wastewater or sewage having an average daily concentration as follows:
- j. "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

S.S. not more than 220 mg/l

BOD not more than 220 mg/l

Ammonia not more than 18 mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from industrial processes.

- k. "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirement. (These costs include replacement.)
- l. "Other Service Charges" shall mean tap charges, connection charges, area charges; and other identifiable charges other than excessive strength surcharges.
- m. "Person" shall mean any and all person, natural or artificial, including any individual, firm, company, municipal or private corporation association, society, institution, enterprise, governmental agency or other entity.

- n. "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- o. "S.S" (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- p. "Shall" is mandatory; "May" is permissive.
- q. "Sewage" shall have the same meaning as defined in the Sewage Use Ordinance.
- r. "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.
- s. "Town" shall mean the Town of Medaryville acting by and through the Town Council.
- t. "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500. ✓
- u. "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities, (i.e. residential, commercial; industrial; institutional, and governmental in the User Charge System).

Residential User – shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc. 2

Commercial User – shall mean any establishment involved in a commercial enterprise, business or service, which based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User – shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows:

Class I - Residential

Class II- Commercial
Governmental
Institutional
Industrial

Section 3. For the use of the service rendered by 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 sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined as follows:

- (a) The sewage rates and charges shall be 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 billing and collection charge per bill except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

b. All Class I and II Users:

Metered Rates Per Month per 1,000 Gallons

Operation, Maintenance & Replacement Rate per 1,000 Gallons \$ 2.76

Local Capital Charge Rate per 1,000 Gallons \$ 8.43

Billing & Collection Charge per Bill \$ 1.85

Minimum Monthly Charges

<u>Meter Size</u>	<u>Water Allowance- Gallons</u>	<u>Monthly Charges</u>
5/8" - 3/4"	3,500	\$ 41.01
1"	8,750	\$ 99.74
1 - 1 1/2"	17,500	\$195.78
2"	28,000	\$313.24
3"	52,500	\$587.32
4"	87,500	\$978.87

Each user shall pay a minimum charge according to the above meter size for which the user will be entitled to the quantity of water shown for each month.

c. Unmetered Rate per Month \$ 68.97

In all cases in which users of said sewage system are not supplied with water from the municipal waterworks system or such usage is not metered, the charge for the use of the sewage system shall be the above amount per month.

d. For the service rendered to the Town said Town shall be subject to the same rate and charges.

e. In order to recover the cost of monitoring industrial wastes, the Town shall charge the user not less than \$100.00 pre sampling event plus the actual cost for collecting and analyzing the sample(s) as determined by the Town or by an

independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

Section 4. 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 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 discharging sanitary sewage, industrial wastes, water or other liquids into the Town's 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 the determination of sewage discharge.
- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into 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 the Town may require each lot, parcel or building to have its own water meter installed for billing purposes.
- d. In the event two (2) or more dwelling unites such as mobile homes, 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 a minimum charge shall be billed in the amount of \$41.01 per month per dwelling unit served through the single water meter. In the case of mobile home courts, the number of dwelling unites shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling unites served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- e. In the event a lot, parcel or real estate or building discharges sanitary sewage, industrial waster, 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 can not 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 to the Town for the determination of sewage discharge.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the 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, by such method and at such times as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a suspended solids in excess of 220 milligrams per liter of fluid, biochemical oxygen demand in excess of 220 milligrams per liter of fluid or ammonia in excess of 18 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of 16 cents per pound of suspended solids for suspended solids received in excess of 220 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of 16 cents per pound of biochemical oxygen demand for BOD received in excess of 220 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon Ammonia

There shall be an additional charge of 65 cents per pound of ammonia for ammonia received in excess of 18 milligrams per liter of fluid.

- (b) The determination of Suspended Solids, Biochemical Oxygen Demand and Ammonia contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Elimination 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 accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR Part 136.

Section 6. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly. Annually, each user shall be notified of the rates charged for operation, maintenance and replacement for that

user during the next year in conjunction with a regular bill.

- (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 or 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 such 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 by the 15th day of the month following receipt are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates and charges shall thereupon attach thereto. ✓

Section 7. In order that the rates and charges for sewage services may remain in proportion to the cost of providing services to the various users or user classes, the Town shall cause a study to be made annually following the effective date on which this ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the cost 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 the operation and maintenance, replacements, debt service requirements and capital improvements to the wastewater treatment systems.

Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the Town or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstances. The Town shall, upon completion of said study revise and adjust the rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 8. 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 treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system and for the regulation, collection and 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 discretion, are deemed harmful to the operation of the sewage treatment works of the Town, or to require method affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the sewage works or as contained in the EPA General Pretreatment Regulations, 40 CFR Part 403 and any amendments thereto or the Town's Pretreatment Program Plan.

Section 9. That the rules and regulations promulgated by the Town, after approval by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Town Council and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 10. The invalidity of any section, clause sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which shall be given effect without such invalid part or parts.

Section 11. The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determined, and such reduction shall be limited to such reduced costs.

Section 12. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance.

Section 13. The owner of any lot, parcel of real estate or buildings, which was not included in the initial approved sewer project as defined in the final plans and specifications prepared by McMahon Associates, Inc., the Consulting Engineers, connecting to the sewage works plant, prior to being permitted to make a connection shall comply with all applicable federal, state, county and town laws, rules and regulations and shall pay a connection charge in the amount of **Five Hundred Dollars (\$500.00)**.

Any such owner so connecting shall install all components of the private sewer as required by the Town to connect such private sewer into the public sewer system and shall pay the cost of such components and their installation.

Section 14. The Board shall not grant free service or use of the sewage treatment system to any person, group or entity. It is not necessary for an area or parcel of real estate to be annexed to the Town to receive sewage treatment.

Section 15. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law and specifically supersedes in its entirety, Ordinance 1995-6.

Passed and Adopted by the Town Council of the Town of Medaryville
on the day of ~~May~~^{June}, 1998.

Medaryville Town Council

By: Janet Toosley
Janet Toosley, President

By: Elaine Lacy
Elaine Lacy

By: Laura Shell
Laura Shell

Attest:

Sharon Richwine
Sharon Richwine, Clerk-Treasurer