

**ORDINANCE 2008-07-01
WATER RATE ORDINANCE**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
MEDARYVILLE, INDIANA ESTABLISHING A NEW SCHEDULE
OF WATER RATES AND CHARGES FOR THE TOWN.**

WHEREAS, the waterworks system of the Town of Medaryville, Indiana is the owner of and operates a waterworks system furnishing water to said town and its inhabitants; and

WHEREAS, the Town Council finds it necessary to establish rates and charges for the use of and service rendered by the waterworks of said Town to produce sufficient revenue to pay all of the necessary expenses incident to the operation of the utility, including operating and maintenance costs, upkeep, repairs, depreciation, legal expenses, interest charges on bonds and other obligations; to provide a sinking fund for the liquidation of bonds and other obligations; to provide a debt service reserve for bonds and other obligations; to provide adequate funds for working capital; to provide funds for making extensions and replacements; to provide funds for a reasonable return on the utility's plant, which the town hereby elects to provide for; and to provide funds to transfer to the Town in lieu of taxes; and the existing rates and charges should be revised; now, therefore,

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MEDARYVILLE, INDIANA:**

Section 1. Repeal of Prior Ordinances. Ordinance No. 2003-1 ("An Ordinance of the Town Council of the Town of Medaryville, Indiana Establishing A New Schedule of Water Rates and Charges for the Town), Ordinance No. 1996-2-1 ("Damage to Water Meters Ordinance"), and Ordinance No. 2007-01 ("An Ordinance Amending the Water Rate Ordinance No. 2003-1, Section 2(h)) shall be repealed and replaced by this Ordinance No. 2008-07-01 ("An Ordinance of the Town Council of the Town of Medaryville, Indiana Establishing A New Schedule of Water Rates and Charges for the Town.")

Section 2. Deposit. The town shall require a deposit to be made at the time of application for service to ensure payment of utility bills by a customer. The deposit shall not exceed One Hundred Fifty Dollars (\$150.00) per applicant. The town may require a present customer to make a deposit when the customer has received disconnect notices for two (2) months within the preceding twelve (12) month period, or when the service has been disconnected pursuant to rules for nonpayment or as otherwise provided by law. A deposit may be used by the town to cover any unpaid balances following the disconnection of service. When service to the applicant is disconnected permanently, the deposit less any amount used to pay for such service shall be refunded to the applicant.

Section 3. Rates and Charges. That there shall be and there is hereby established for the use of and the service rendered by the waterworks system of the Town of Medaryville, Indiana, the following schedule of rates and charges, based on the use of water supplied by said waterworks system:

Rates and Charges

(a) Monthly rates and charges are as follows:

Metered rate per 1,000 gallons \$10.20

Minimum charge per meter size

	<u>Gallons Allowed</u>	
5/8 inch meter	3,000	\$30.60
1 inch meter	7,500	76.50
1 ¼ inch meter	12,000	122.40
1 ½ inch meter	15,000	153.00
2 inch meter	24,000	244.80
3 inch meter	45,000	459.00
4 inch meter	75,000	765.00
6 inch meter	150,000	1,530.00

(b) Town of Medaryville- Flushing Sewers

Per Annum: \$1993.77

(c) Fire Hydrant Rental- Per Hydrant

Per Annum:

Municipal \$952.38
Private \$952.38

(d) Private Fire Protection- Per Connection

Per Annum

4 inch connection \$420.31
6 inch connection \$952.38
8 inch connection \$1,681.21
10 inch connection \$2,660.15

(e) Tap Charge

A tap charge shall be collected from each new customer, prior to connection to the water system in an amount equal to the cost of labor and material necessary for tapping the main and installation of service from the main to the curb stop and the cost of furnishing and installing a suitable water meter.

The charge for a 5/8 inch or ¾ inch meter tap shall be \$500.00 plus the actual labor and material cost incurred. The charge for a 1 inch or larger meter shall be \$500.00 plus the actual labor and material costs incurred. In no event shall the charge for any connection be less than \$500.00.

A connection charge will not be due for the customer included in the initially approved water project as defined in the final plans and specifications prepared by McMahon Associates, Inc., Consulting Engineers.

(f) Reconnection Charge

When the service is turned off for non-payment of bill, or whenever for any reason beyond the control of the waterworks a re-establishment of service is required by any one customer, a charge of \$50.00 will be made by the waterworks to cover the cost of discontinuance and reestablishment of the service. The charge, together with any current bill, any and all arrearages, and/or any fees (including but not limited to reconnection fee, tampering fee, damage fee, etc...) due the waterworks shall be paid by the customer before service will be reestablished.

(g) Returned Check Charge

A returned check charge of Thirty Dollars (\$30.00) for each check not clearing a customer's bank account shall be assessed by the Town against the property owner's account.

If within a twelve (12) month period of time, a customer issues two (2) or more checks, which fail to clear a customer's bank account, the Town shall require the customer to make payments via cash, money order, or certified check, for the next twelve (12) months commencing on the date the second (2) check fails to clear the customer's bank account. The Town will not accept any future personal checks from the customer for the next twelve (12) months commencing on the date the second (2) check fails to clear the customer's bank account in order for the customer to reestablish an acceptable payment history.

(h) Collection of Deferred Payment Charge

All bills for water service not paid within fifteen (15) days from the due date, as stated in 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.

(i) Temporary Users

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

Section 4. Collection. 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.
- (b) Water service may be discontinued for nonpayment of water and/or sewer charges that have been due and unpaid for at least 36 days from the date the bill is mailed. Before water service is discontinued, written notice to the water customer and property owner, if owner has requested such notice, of the town's intention to discontinue water notice if the unpaid charges are not paid within 10 days of the date specified in the notice. Such notice shall be sent to the property serviced unless other arrangements, in writing have been made. Water service, once discontinued, will not be reestablished until such time as the current bill, any and all arrearages, any and all fees (including but not limited to reconnection fee, tampering fee, damage fee, etc...) owed by the customer and property owner are paid in full. By way of example, the bill for water services for March is billed on April 1. Pursuant to Section 2(i), a deferred payment charge would be applied on April 16. On or before April 21, notice would be provided of the scheduled disconnect for May 6, unless the customer's account is brought current.

Section 5. Meter tampering. A meter tamper charge of \$100.00 will be charged to the property owner if water service is turned on by any person other than an authorized person of the Town of Medaryville.

Section 6. Damage to Water Meters.

- (a) It is necessary to establish an ordinance requiring that townspeople who are hooked up to the Town's water system cease and desist from damaging in any way the Town's water meters, and to provide funds for necessary replacement and repairs to any damaged or destroyed water meters done by any townspeople.

- (b) It shall be a violation for a property owner to cause a meter to misread, damage a meter in any way causing it to malfunction, destroy the meter or any parts thereon, and/or inhibit the working of said water meters.
- (c) The property owner shall be liable for all damages to the water meter and/or water meter parts, the costs of replacement for the water meter and/or water meter parts, labor to repair and/or replace water meter and/ or water meter parts, and all fines as further defined herein.
- (d) In addition to the damages assessed in Paragraph C immediately above, there shall be a One Hundred Dollar (\$100.00) fine assessed against anyone who violates the terms of this Ordinance for a first time offense. For a second time offense, the fine shall be Two Hundred Dollars (\$200.00). For any offense thereafter, the fine shall be Five Hundred Dollars (\$500.00).

Section 7. That the rates herein approved shall provide for a reasonable return on the water utility plant of the Town and such other legal and necessary expenses as provided in I.C. 8-1.5-3-8.

Section 8. The Town Council hereby elects to pay the town from the water rates and charges in lieu of property taxes as provided in I.C. 8-1.5-3-8.

Section 9. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed. The *Policy and Procedures for Water Consumer Collections- the Town of Medaryville* adopted March 19, 2001, are incorporated except that any provision or part that is inconsistent with this Ordinance shall be rendered void. The town specifically readopts and shall continue the requirement that any new account holder must complete, execute and provide to the Town, a Consumer Identification record, prior to water service being provided to the property.

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 MEDARYVILLE, INDIANA ON THE 16TH DAY OF JULY, 2008.

Council President

Council Member

Council Member

ATTEST:

Clerk- Treasurer