

ORDINANCE NO. 1986-9

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE TOWN OF WESTPORT, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING ORDINANCE 1984-1, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized construction of improvements thereto financed in part by grants from the U.S. Environmental Protection Agency and the State of Indiana; and

WHEREAS, the Town will sell revenue bonds to fund that portion of the cost not covered by grants, and

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by ordinances of the Town has revealed that the schedule creates inequities as between the classes of users, and fails to meet the guidelines set by the U.S. Environmental Protection Agency for recipients of federal grants; and

WHEREAS, it is necessary to establish a new 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, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency, and to pay the principal and interest on proposed revenue bonds in accordance with the applicable bond ordinance; now therefore

BE IT ORDAINED BY THE Board of Trustees of the Town of Westport, Indiana;

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

- (a) "Board" shall mean the Board of Trustees of the Town of Westport, Indiana, or any duly authorized officials acting in its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (c) "Town" shall mean the Town of Westport, Indiana, acting by and through the Board of Trustees.
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.

- (e) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l
S.S. not more than 250 mg/l

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

- (i) "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 requirements. (These costs include replacement.)
- (j) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges.
- (k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (l) "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.
- (m) "S.S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinances.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.

- (p) "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.
- (q) "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.
- (r) "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.

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 waste water treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services 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 United States Environmental Protection Agency. 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 purposes of this Ordinance, shall be as follows:

- Class I - Residential
 - Commercial
 - Governmental
 - Institutional
 - Industrial

Section 3. For the use of and the services 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 sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewage system of the Town of Westport. 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 determinable 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 base charge based on the size of the water meter installed, 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 monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined as follows:

All Users

- 1) Treatment Rate per 1,000 gallons of usage per month:

User Charge	Debt Service	Total
\$ 1.46	\$ 1.29	\$ 2.75

plus

- 2) Base Rate - as follows:

<u>Base Rate</u>	<u>Monthly Base Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
5/8 - 3/4 inch water meter	\$ 5.31	\$.59	\$ 5.90
1 inch water meter	6.66	1.49	8.15
1 1/2 inch water meter	8.01	2.39	10.40
1 3/4 inch water meter	9.63	3.42	13.05
2 inch water meter	13.41	5.89	19.30
3 inch water meter	25.11	13.59	38.70
4 inch water meter	40.41	23.59	64.00
6 inch water meter	86.31	53.69	140.00

- (b) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

	<u>Monthly Rate</u>		
	<u>User</u>	<u>Debt</u>	
	<u>Charge</u>	<u>Service</u>	<u>Total</u>
Residential:			
Single family residence/unit	\$ 11.85	\$ 6.40	\$ 18.25

Unmetered non "Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (c) For the service rendered to the Town of Westport said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but not less than \$25 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in the ordinance.

Section 4. The quantity of water discharged into the 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 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 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 determining of sewage discharge.

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or their liquids into the Town's 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 resource 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 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 base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- (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 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 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.
- (e) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the user charge as may be equitable.

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 shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem

practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the Sewer Use Ordinance, available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 250 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 14 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

- (2) Rate Surcharge Based Upon BOD

- There shall be an additional charge of 18 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

- (b) The determination of Suspended Solids and five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the current addition 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 Water Pollution Control Federation.

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. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the next year.
- (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 in 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. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses of user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which this ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the costs 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 waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) maintaining proportionality among the user classes of the rates and charges for sewage services.

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.

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, for the construction and use of house sewers and connection to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the waste water treatment facility.

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 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 sewage works.

Section 9. 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 can be given effect without such invalid part of parts.

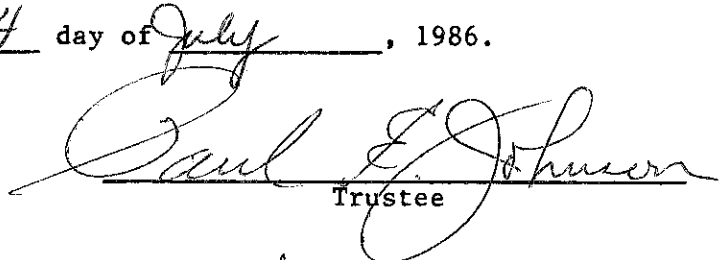
Section 10. The Board is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

Section 11. That the rules and regulations promulgated by the Town, after approved by the Board of Trustees 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 Board of Trustees and that any decision concerning the sewage system or user charges of the Board of Trustees may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

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.

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

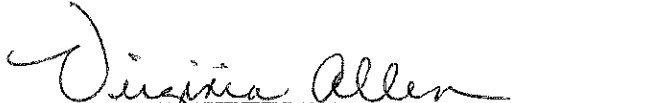
Passed and adopted by the Board of Trustees of the Town of Westport, Indiana, on the 24 day of July, 1986.


Trustee


Trustee

Trustee

ATTEST:


Clerk-Treasurer