

ORDINANCE NO. 47-9-08

An Ordinance Amending the Schedule of Rates and Charges
Collected By the City of Noblesville From the Owners of Property
Served by the Sewage Works of the City

WHEREAS, it is necessary to establish a revised schedule of rates and charges to produce sufficient revenue to pay expenses of maintenance and operations, and to provide funds for necessary replacements and improvements to the Sewage Works of the City, all in a manner in accordance with regulations of the United States Environmental Protection Agency, and to pay the principal and interest on existing and anticipated revenue bonds in accordance with the applicable bond ordinances; and,

WHEREAS, the Noblesville Common Council on the 27th day of August, 1989, passed Ordinance No. 64A-8-89, ("the 1989 Ordinance") which established a schedule of rates and charges to be collected by the City of Noblesville from the owners of property served by the Sewage Works of the City; and,

WHEREAS, Section 3 of the 1989 Ordinance, which detailed the actual rates to be charged to users of the City Sewage Works has since been amended by Ordinance No. 8-2-01, passed on February 27, 2001, and by Ordinance No. 37-8-07, passed on the 11th day of September, 2007; and,

WHEREAS, Section 3, Section 6(b), and Section 7 of the 1989 Ordinance should be amended in order to more fairly and equitably allocate all of the costs and expenses of the maintenance and operation of the Sewage Works and the payment of principal and interest on Sewage Works Bonds among the users of the Sewage Works of the City; and,

WHEREAS, each parcel of real property and building connected to the municipal sewer system of the City is benefited, not only by the amount of discharge from a dwelling or building being served by the sewer system, but also by having the availability to discharge, and to continue to discharge, into the Sewage Works of the City; and,

WHEREAS, Indiana Code 36-9-23-25(d)(1) authorizes the legislative body of a municipality to charge a flat charge for each sewage connection in the City under the presumption that there is substantial benefit to each parcel because of its ability to connect and discharge to the municipal wastewater system; and,

WHEREAS, Indiana Code 36-9-23-25(d)(2) authorizes the City to charge a fee based on the amount of water used on the property, and 36-9-23-25(d)(3) authorizes charges based on the size of the water meter on the property; and,

WHEREAS, the Common Council finds that it is fair and equitable to charge a flat charge for each single family residence within the City and for all single family duplexes ("the Residential Parcels"), with separate meters; and

WHEREAS, the Common Council finds it is fair and equitable to charge all properties other than the Residential Parcels, a rate based on the amount of water used on the property, plus a rate based on the number and sizes of meters to the property.

IT IS THEREBY ORDAINED by the Common Council of the City of Noblesville is amended as follows:

I. Section 3 of the 1989 Ordinance is amended as follows:

Section 3. This Ordinance shall impose a monthly fee for the use 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 City sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewage system of the City of Noblesville. 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. There is hereby established a flat, monthly fee for each single family residence and residential duplexes with separate meters ("the Residential Parcels") beginning on the following dates:

(1)

Beginning	Beginning	Beginning
Nov. 1, 2008	July 1, 2009	July 1, 2010
\$31.88	\$32.83	\$33.79

- (2) Any owner-occupant who is eligible for, and has filed:

- (i) A claim for an over age 65 deduction for property taxes pursuant to Indiana Code 6-1.1-12-9;

(ii) A claim for a blind and disabled deduction for Property taxes under Indiana Code 6-1.1-12-1;

or,

(iii) A claim for a disabled veteran or surviving spouse deduction for property taxes pursuant to Indiana code 6-1.1-12-13;

is eligible for a Ten Dollar (\$10.00) per month credit from the above amount. A Residential Parcel may receive only one (1) credit even though the owner-occupant may be eligible under more than one statute.

(iv) Such claims must be filed with the Hamilton County Auditor and the property owner shall not be eligible for the credit until November 1, 2008, or the first billing cycle after the claim is filed. Any owner-occupant who has filed a claim, but does not receive the credit on the wastewater bill, must file a file marked copy of the owner's Affidavit requesting one of the above deductions.

(3) The wastewater utility shall annually transfer an amount equal to the total amount of the credits ("the Credit Amount") granted by this subsection into the

operation and maintenance fund. The Credit Amount shall be paid from a "Credit Account" which shall be funded by interest earnings from utility funds.

- b. The schedule of rates for all other users of the City's Sewage Works shall be determined as follows:

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. For the purpose of billing and collecting the charges for the sewage service, the water meters shall be read monthly or based on the average monthly usage for the preceding seven months ending in May based on actual readings. These readings shall be averaged and the users shall be billed monthly (or period equaling a month). All new customers of the Wastewater Utility shall have service commenced at the monthly rate based on meter size plus the family residential rate. Upon receiving at least three (3) readings, the new customer's rate shall be adjusted accordingly.

Meter Size	<u>Monthly Base Rate</u>		
	Beginning Nov. 1, 2008	Beginning July 1, 2009	Beginning July 1, 2010
5/8-3/4 inch meter	\$ 11.60	\$ 11.95	\$ 12.30
1 inch meter	\$ 25.85	\$ 26.65	\$ 27.45
1-1/4 inch meter	\$ 40.20	\$ 41.40	\$ 42.65
1-1/2 inch meter	\$ 57.35	\$ 59.10	\$ 60.90
2 inch meter	\$ 97.30	\$100.20	\$103.20
3 inch meter	\$221.10	\$227.75	\$234.60
4 inch meter	\$383.05	\$394.55	\$406.40
6 inch meter	\$868.75	\$894.80	\$921.65
PLUS a monthly Flow Charge (per 1000 gallon)	\$ 3.58	\$ 3.69	\$ 3.80

Unmetered Non-Residential Parcels shall be charged a rate to be determined by the City on an individual basis by applying the above metered rates to estimated usage and meter size.

- c. There is established a surcharge rate for certain Excessive Strength Surcharges based on effluent strength as follows:

	Beginning Nov. 1, 2008	Beginning July 1, 2009	Beginning July 1, 2010
B.O.D. in excess of 300 mg/l	\$0.07	\$0.07	\$0.07
S.S. in excess of 350 mg/l	\$0.06	\$0.06	\$0.06
Phosphorus in excess of 15 mg/l	\$0.51	\$0.51	\$0.51

- d. Upon receiving notice that the water meter has become active from any of the water companies currently serving customers in the City of Noblesville, billing shall commence immediately. In the event a new customer uses the sewer system prior to notification to the Utility, the Utility may bill the new user retroactively based upon either: the date a certificate of occupancy is issued for a new building or residence; for existing buildings, the date of transfer of the real estate based on the Deed recorded in the Office of the Hamilton County Recorder.
- e. For the service rendered to the City of Noblesville said City shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- f. In order to recover the cost of monitoring industrial wastes, the City shall charge the user the actual costs of monitoring but no less than \$25.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in the ordinance.

- g. No adjustment to the monthly rate charged to Non-Residential Parcels shall be applied retroactively for more than three monthly billing cycles. Any appeal for an adjustment to the monthly rate more than three months prior to the request for an adjustment are deemed waived.

- II. Section 6(b) of the 1989 Ordinance concerning rental properties is amended to read as follows:

Section 6(b). Beginning November 1, 2008, the rates and charges for all residential rental properties shall be charged to the owner of the real estate as shown by the land records maintained by the Hamilton County Auditor. The rates and charges may be billed to the tenant of non-residential properties served by the sewage works, if requested in writing by the owner. Such billing of rental properties shall in no way relieve the owner from liability in the event payment is not made as herein required, nor does such billing restrict the City from any collection procedures, including filing of liens. The owners of properties, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City 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 of the Noblesville Wastewater Department during the hours that such office is open for business.

III. Section 7 of the 1989 Ordinance is amended to read as follows:

Section 7. In order to assure the rates and charges for sewage services are properly allocated pursuant to statute, and that said charges may remain sufficient to adequately fund the necessary replacement costs and other revenue and reserve requirements, the City shall periodically cause a study to be made concerning the rates charged by the City. 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 sufficiency of its revenue to provide adequate funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems. Said studies shall be conducted by officers or employees of the City 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 City shall determine to be best under the circumstances.

IV. Any property owner, tenant, or other person or entity who is initially or ultimately responsible for payment of any rate or charge to the Noblesville City Wastewater Utility may dispute the amount of a wastewater bill in person or in writing. Any adjustment to the bill arising out of the dispute shall only be applied for the three months retroactive from the date of the dispute. Any bill

prior to ninety (90) days prior to the dispute shall be payable in full, including penalty and may be enforced by the City by any lawful collection procedure.

V. All provisions of Section 3, Section 6(a), and Section 7 of Ordinance 64A-8-89; and all provisions of Ordinance 8-2-01 and Ordinance 37-8-89 are repealed effective upon completion of the City Wastewater billing cycle beginning October 1, 2008. However, nothing herein shall be construed to restrict or prohibit the City from collecting any lawful fee or charge imposed prior to November 1, 2008.

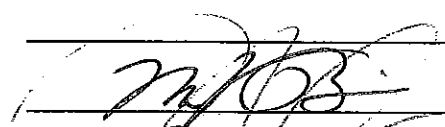
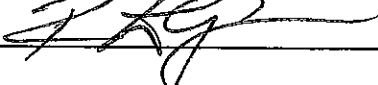
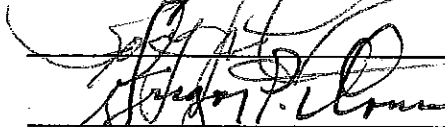
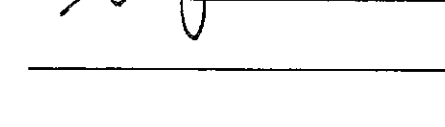
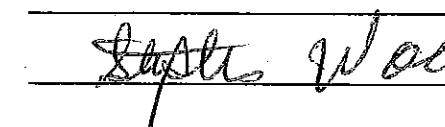

VI. The terms of Sections I, II, III and IV shall become effective for the first full billing period beginning in November of 2008.

ALL OF WHICH IS ORDAINED by the Common Council of the City of Noblesville, Indiana, this 23rd day of September, 2008.


COMMON COUNCIL OF THE CITY OF NOBLESVILLE

Aye

Nay

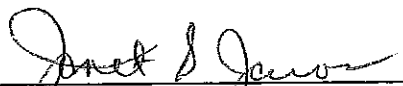
	_____	Brian Ayer	
	_____	Mark Boice	_____
	_____	Roy Johnson	_____
	_____	Greg O'Connor	_____
_____	_____	Mary Sue Rowland	_____
_____	_____	Dale Snelling	_____
	_____	Stephen C. Wood	_____

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton
County, Indiana, this 23rd day of September, 2008.



John Ditslear, Mayor
City of Noblesville, Indiana

ATTEST:



Janet Jaros, Clerk-Treasurer
City of Noblesville, Indiana