

ORDINANCE NO. 05-6-2

AN ORDINANCE ESTABLISHING
STORMWATER RATES FOR THE
TOWN OF OSSIAN

COPY

WHEREAS, the Town of Ossian, Indiana ("Town") owns and operates a Stormwater system; and

WHEREAS, the Town Council has established a Stormwater Utility in accordance with the provisions of IC 8-1.5-3-3 et, esq., ("Act"); and

WHEREAS, the Stormwater Utility is being managed by a three member Stormwater Board ("Board") and will responsible for establishing, reviewing and recommending rates for these services; and

WHEREAS, the Board finds that in order to properly manage the Stormwater system that provisions must be made to study, design and implement a system for the safe and efficient disposition of Stormwater and that funds be made available for such purpose;

WHEREAS, the Town Council finds, based upon the advice of its counsel, that the provisions of the Act apply to the collection, disposal, and drainage of storm and surface water, that the Town may finance its Stormwater System pursuant to the Act; that the Town may supervise and control said Stormwater System pursuant to the Act; and that the provisions of the Act will enable the Town to finance and, through the Board, operate and control its Stormwater System;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Ossian, Indiana;

Section 1. For the use of and the service rendered by said Stormwater utility, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is discharges stormwater, either directly or indirectly, into the stormwater system of the Town, which rates and charges shall be based on Equivalent Residential Units (ERU) payable as hereinafter provided and shall be in an amount determinable as follows based on the descriptions in Exhibit "A"::

<u>Type of Property</u>	<u>ERU</u>	<u>Monthly Charge</u>
Residential	1.0	\$ 8.00
Apartments		
First 4 dwelling units	1.0	\$ 8.00
Each additional dwelling unit	1.0	\$ 8.00
Commercial	2.0	\$16.00
Industrial	10.0	\$80.00
Municipal	2.0	\$16.00

Section 2. Rates and charges incurred under this ordinance shall be prepared and collected by the Town in accordance with those provisions regulating the preparation and issuance of bills for sewer service generally. The monies collected under this ordinance shall be deposited in the Stormwater Revenue Fund.

Section 4. This ordinance shall be in full force and effect from and after its passage, provided, however, that the schedule of rates and charges herein set forth shall be effective with the commencement of the billing cycle on _____, 2005.
as soon as possible.

Section 5. The rates and charges shall be prepared and billed by the Town monthly, as the Town may deem appropriate and as determined by the bylaws and regulations for the Town as hereinafter provided by law and ordinance. This charge shall be paid, in arrears, by the 20th of the month following the service. Current charges unpaid by the 20th of the billing month will be assessed a penalty of ten percent (10%). Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties 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 such 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. If such charges are not paid within thirty (30) days after due, the amount of the charge, together with the penalty of ten percent (10%), any necessary attorney fees, and/or any necessary collection fees, may be recovered by the Town.

PASSED and ADOPTED by the Town Council of the Town of Ossian, Indiana, this 8th
day of August, 2005.

Brian K. Long

Angie Dial

Edward G. Conner

Ray L. White

Bud Cluskey

MEMBERS OF THE TOWN
COUNCIL OF THE TOWN OF
OSSIAN, INDIANA

ATTEST:

Mary K. Shafer

Approved this 8th day of August, 2005

EXHIBIT "A"

Residential - A single-family structure for which the primary purpose is to provide not more than four dwelling units. Included within this classification are mobile homes, duplexes, modular homes, and freestanding apartment units. For billing purposes, a structure shall be considered as one equivalent residential unit.

Apartments - A structure with the primary purpose of serving five or more dwelling units. Included in this classification are planned apartment complexes with multiple units and multiple buildings under one property ownership. For billing purposes, the equivalent units for each structure that is separate and distant shall be:

First 4 dwelling units	1ERU
Each additional dwelling units	1ERU

Commercial - A property or parcel of land which is primarily used for commercial purposes. Included within this classification are governmental and institutional properties, places of worship, schools, and retail shops. For billing purposes, each facility that is separate and distinct shall be considered 2.0 equivalent residential units.

Industrial - A property or parcel of land that is used primarily for manufacturing purposes. For billing purposes, each site or other facility that is separate and distinct shall be considered 10.0 equivalent residential units.

Municipal - A property or parcel of land that is used primarily for municipal purposes. For billing purposes, each municipal site shall be considered 2.0 equivalent residential units.

AMENDED ORDINANCE NO. 26A

Amending the Amended Ordinance Fixing the Schedule of Rates and Charges to be Collected by the Town of Ossian, Indiana, from the Owners of Property Served by the Sewage Works of Ossian

WHEREAS, the Town of Ossian has heretofore constructed and has in operation a municipal sewage works for the collection, treatment, and disposal of sewage; and,

WHEREAS, the current rates and charges of such works are inadequate to maintain and operate the sewage works in an efficient manner and pay debt service on revenue bonds; and,

WHEREAS, Indiana Code 36-9-23 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, fully adopted after due notice and public hearing, and authorizes the collection of rates and charges;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OSSIAN, INDIANA:

Section 1. For the use of and the service rendered by said 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 sewer 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 on the quantity of water used on or in the property or premises except as otherwise provided in this Ordinance, subject to such rates and charges, as the same is measured by the water meter then in use.
- (b) The revised rates shall apply for usage billed after adoption of this Ordinance.
- (c) The water usage schedule on which the amount of said sewage rates and charges shall be determined shall be as follows:

Quantity of Water Used Per Month	Rate Per 1,000 Gallons
First 5,000 gallons	\$ 9.33
Next 5,000 gallons	8.28
Next 5,000 gallons	6.45
Next 10,000 gallons	6.00
Over 25,000 gallons	5.50

The minimum charge for sewage service where the use is a metered water customer shall be based upon the water meter size as follows:

<u>Water Meter Size</u>	<u>Gallons Allowed</u>	<u>Minimum Per Month</u>
5/8" - 3/4"	2,950	\$ 27.50
1"	5,000	46.65
1 1/2"	10,000	88.05
2"	16,000	126.30
3"	30,000	207.80
4"	50,000	317.80
6"	100,000	592.80

Section 2.

- (a) The quantity of water obtained from sources other than the municipal waterworks and discharged into the public sanitary sewer system may be determined by the Town in such manner as the Town shall elect, and the sewage treatment service may be billed at the above appropriate rates.
- (b) Unmetered mobile home parks or apartments will be charged \$32.92 per month per unit or space available.
- (c) The rate for unmetered sewage usage for a single residential dwelling will be \$70.10 per month.
- (d) 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 sewer system, either directly or indirectly, is not a user of water supplied by the Town's waterworks 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 amount of water used shall be otherwise measured or determined by the Town, in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Town for the determination of the sewage discharge.
- (e) 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 sewer 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 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 rates or charge, or the owner or other interested party, at his expense, may 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.

- (f) 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 sewer system, either directly or indirectly, and uses water in excess of 15,000 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 sewer 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; or the Town may agree to a fair and equitable rate to be charged such user.
- (g) In the event two (2) or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the Town's sanitary sewer 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 minimum charge and the sewage 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.
- (h) In the event two (2) or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the Town's sanitary sewer 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 sewer additional charge shall be added thereto in the amount of \$27.50 per month for each dwelling unit over one (1) served through the single water meter. In the case of mobile home parks, the number of dwelling units shall be computed and interpreted as the total number of mobile homes 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 space or spaces in which cooking facilities are provided. ([2 h] amended 3/13/00)
- (j) Where a measured water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.
- (k) 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 therewith.
- (q) In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of June, July, August, and September, the billing for sewage service for residences and/or domestic users for said months of June, July, August, and September shall be based on the water usage for the previous months of January, February, and March. In the event the water usage for said previous months of January, February, and March is greater than the water usage for said months of June, July, August, and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service is being rendered. Domestic and/or residential sewage service, as applicable

to the sprinkling rate, shall apply to each lot, parcel of real estate, or building which is physically occupied and used as a residence by the filing credit applicant during the winter months of January, February, and March, and the occupants shall have filed for the sprinkling credit with the Clerk-Treasurer's office during the prescribed time period. Said sprinkling rate shall not apply to any premises which are partially or wholly used for industrial or commercial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such case, such portion of the premises used for residential purposes would qualify under the sprinkling rate.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the services rendered, the Town shall have the right to base its charges not only on volume, but also on the strength and content of all sewage and waste discharged, either directly or indirectly, into the Town's sanitary sewer system in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case in order to determine the proper charge. Any and all commercial and industrial installations shall be so controlled and/or treated as to the sewage strength that their affluent discharge to the Town's sewers shall have a B.O.D. (biochemical oxygen demand) not to exceed 300 parts per million, and suspended solids not to exceed 350 parts per million, at any time. The Town Council is authorized to prohibit the dumping of wastes into the Town's sewer system which, in its discretion, are deemed harmful.

Section 4. The terms "sanitary sewage" and "industrial wastes" shall be defined as follows:

- (a) "Sanitary sewage" is defined as the 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 monthly, as the Town may deem appropriate and as determined by the bylaws and regulations for the Town as hereinafter provided by law and ordinance. This charge shall be paid, in arrears, by the 20th of the month following the service. Current charges unpaid by the 20th of the billing month will be assessed a penalty of ten percent (10%). Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties 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 such 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. If such charges are not paid within thirty (30) days after due, the amount of the charge, together with the penalty of ten percent (10%), any necessary attorney fees, and/or any necessary collection fees, may be recovered by the Town.

Section 6. The Town shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic, and efficient management of the Town 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.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Adopted this 11 day of July, 2005, by the following vote.

AYE

NAY

Brian K. [Signature]

Angie Dial

[Signature]

[Signature]

Paul Busby

ATTEST:

Mary K. Shafer
Clerk-Treasurer