

**ORDINANCE NO. \_\_\_\_\_**

**SEWER RATE ORDINANCE**

An Ordinance amending and restating a schedule of rates and charges to be collected by the City of Greensburg from the owners of property served by the sewage works of Said City, and other matters connected therewith.

**WHEREAS**, the City has heretofore constructed and has in operation a sewage works for the purpose of collecting and disposing of the sewage of the City in a sanitary manner, and the Common Council now finds that the existing rates and charges, as set forth in Ordinance No. 2007-06-10 of said City, need to be amended. The rates and charges set forth herein and the effective dates of implementation may be reduced or delayed by the Common Council.

**Be it Ordained by the Common Council of the City of Greensburg, Indiana:**

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

- (a) "Ammonia" (or NH<sub>3</sub>-N, or TKN) shall have the same meaning as defined in the Sewer Use Ordinance.
- (b) "Board" shall mean the Board of Public Works and Safety of the City of Greensburg, or any duly authorized officials acting 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.
- (e) "City" shall mean the City of Greensburg acting by and through the Board of Public Works and Safety.
- (f) "COD" (or Chemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (g) "Debt Service Costs" shall mean the average annual principal and interest payments on all revenue bonds or other long-term capital debt.
- (h) "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".
- (i) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade, or business processes as distinct from employee wastes from sanitary conveniences.

- (j) “NPDES (National Pollutant Discharge Elimination System) Permit” shall have the same meaning as defined in the Sewer Use Ordinance.
- (k) “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 200 mg/l
CBOD	-	not more than 200 mg/l
TKN	-	not more than 20 mg/l

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

- (l) “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).
- (m) “Other Service Charges” shall mean tap charges, connection charges, area charges, and other identifiable charges other than excessive strength surcharges.
- (n) “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.
- (o) “Phosphorus” shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) “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.
- (q) “S.S.” (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (r) “Shall” is mandatory; “May” is permissive.
- (s) “Sewage” shall have the same meaning as defined in the Sewer Use Ordinance.
- (t) “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.
- (u) “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.

- (v) "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 City, 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 City, discharges primarily segregated 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 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 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
		Commercial
		Governmental
		Institutional
		Industrial

**Section 3A. Effective May 1, 2010.** For the use of the service 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 sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Greensburg. 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 may be measured by the water meter there in use, plus a base charge based on the size of 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 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:

All Class I Users

- (1) Treatment rate per 100 cubic feet of usage per month:

\$ 2.92

plus

- (2) Base rate per month:

5/8" - 3/4"	\$ 11.87
1"	27.25
1 ¼" - 1 ½"	61.16
2"	104.11
3"	237.30
4"	421.84
6"	944.63
8"	1,682.57
10"	3,001.95

- (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 by equivalent 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 will be determined is as follows:

Monthly Rate

Residential: Single-family  
Dwelling unit

\$ 28.72

- (c) For the service rendered to the City of Greensburg, said City shall be subject to the same rates and charges established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes, the City shall charge the user not less than \$50.00 per sampling event, plus the actual cost for collecting and analyzing the sample(s) as determined by the City or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this Ordinance.

**Section 3B. Effective May 1, 2011.** For the use of the service 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 sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Greensburg. 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 may be measured by the water meter there in use, plus a base charge based on the size of 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 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:

(3) Treatment rate per 100 cubic feet of usage per month:

\$ 3.07

plus

(4) Base rate per month:

5/8" - 3/4"	\$ 12.46
1"	28.61
1 ¼ " - 1 ½ "	64.22
2"	109.32
3"	249.17
4"	442.93
6"	991.86
8"	1,766.70
10"	3,152.05

(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 by equivalent 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 will be determined is as follows:

	<u>Monthly Rate</u>
Residential: Single-family Dwelling unit	\$ 30.16

(c) For the service rendered to the City of Greensburg, said City shall be subject to the same rates and charges established in harmony therewith.

(d) In order to recover the cost of monitoring industrial wastes, the City shall charge the user not less than \$50.00 per sampling event, plus the actual cost for collecting and analyzing the sample(s) as

determined by the City or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this Ordinance.

**Section 3C. Effective May 1, 2012.** For the use of the service 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 sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Greensburg. 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 may be measured by the water meter there in use, plus a base charge based on the size of 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 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:

(1) Treatment rate per 100 cubic feet of usage per month:

\$ 3.22

plus

(2) Base rate per month:

5/8" - 3/4"	\$ 13.08
1"	30.04
1 1/4" - 1 1/2"	67.43
2"	114.79
3"	261.63
4"	465.08
6"	1,041.45
8"	1,855.04
10"	3,309.65

(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 by equivalent 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 will be determined is as follows:

	<u>Monthly Rate</u>
Residential: Single-family Dwelling unit	\$ 31.67

(c) For the service rendered to the City of Greensburg, said City shall be subject to the same rates and charges established in harmony therewith.

- (d) In order to recover the cost of monitoring industrial wastes, the City shall charge the user not less than \$50.00 per sampling event, plus the actual cost for collecting and analyzing the sample(s) as determined by the City 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 services the City shall be determined by the City in such manner as the City shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this section. The City 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 City that such quantities do not enter the sanitary sewage system.

- (a) In the event a lot, parcel of real estate, or building other than a single-family dwelling unit discharging sanitary sewage, industrial wastes, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City, 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 City, then the amount of water used shall be otherwise measured or determined by the City. 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 City for the determination of sewer discharge.
- (b) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the City, 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 City, then the amount of water used shall be otherwise measured or determined by the city. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (c) In the event two (2) or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the city'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, 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 two (2) or more dwelling units, such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the City'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 an additional units charge shall be added thereto, in the amount of \$5.00 per month per dwelling unit over one (1) served through the single water meter. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through a 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 of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the City's sanitary sewage system, either directly or indirectly, and uses of water in excess of 150,000 cubic feet per month, and it can be shown to the satisfaction of the City 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 devise, or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

**Section 5.** 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 treatment plant 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 November, December, January and February. In the event the water usage for said previous month of November, December, January and February 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 bill 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 occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly 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, the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

**Section 6.** In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also on strength and characters of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The City 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 City may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper change. The user shall furnish a central sampling point available to the City at all times.

- (a) Normal sewage domestic waste strength should not exceed a carbonaceous biochemical oxygen demand of 200 milligrams per liter of fluid, ammonia (or TKN) in excess of 20 milligrams per liter of fluid, or suspended solids in excess of 200 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 24 cents per pound of suspended solids for suspended solids received in excess of 200 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon CBOD

There shall be an additional charge of 20 cents per pound of carbonaceous biochemical oxygen demand for BOD received in excess of 200 milligrams.



(3) Rate Surcharge Based Upon Total Kjeldahl Nitrogen (TKN)

There shall be an additional charge of 49 cents per pound of TKN for TKN received in excess of 20 milligrams per liter of fluid.

- (b) The determination of Suspended Solids, five-day Carbonaceous Biochemical Oxygen Demand, Biochemical Oxygen Demand, Ammonia-Nitrogen, Phosphorus, Ammonia, and COD 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 Waterworks Association, and the Water Pollution Control Federation, and in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR, Part 136.

**Section 7.** Such rates and charges shall be prepared, billed, and collected by the City in the manner provided by law and ordinance:

- (a) As is provided by statute, all rates and charges not paid by the 17<sup>th</sup> 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 8.** The City shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the City'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 rates and charges.

The City is hereby authorized to prohibit dumping of wastes into the City's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the city, or to require methods 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 City's Pretreatment Program Plan.

**Section 9.** That the rules and regulations promulgated by the City, after approval by the Board of Public Works and Safety 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 Public Works and Safety and that any decision concerning the sewage system or user charges of the Board of Public Works and Safety 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 in 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 Board shall not grant free service or use of the sewer 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 City to receive sewer treatment.

**Section 14.** On or before each February 1 preceding the May 1 effective date as set forth herein, the Common Council shall review the financial condition of the utility. In its review of the utility's financial condition, the Common Council shall consider several factors, including but not limited to the utility's operating revenues and expenses, foreseeable capital outlays, and the utility's ability to service ongoing debt obligations. In the event the Common Council, after reviewing the utility's financial condition, makes a specific finding that the rates and charges are unreasonable, the Common Council by a majority vote may delay, reduce, or rescind the amount of the scheduled increase in rates and charges.

**Section 15.** This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law. All ordinances and parts of ordinances in conflict herewith and are hereby repeated.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF GREENSBURG on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Presiding Officer

ATTESTED BY:

\_\_\_\_\_  
Clerk-Treasurer

Presented to the Mayor of the City of Greensburg on the \_\_\_\_ day of \_\_\_\_\_, 2010, at the hour of \_\_\_\_\_ .m.

\_\_\_\_\_  
Clerk-Treasurer

This Ordinance approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2010, at the hour of \_\_\_\_\_ .m.

\_\_\_\_\_  
Mayor, City of Greensburg