**ORDINANCE NO. 17-1352**

**CITY OF WOODBURN, INDIANA**

**AN ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF WOODBURN FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID CITY AND OTHER MATTERS CONNECTED THEREWITH**

WHEREAS, the City of Woodburn (the “City”) is duly constituted to provide and maintain a sewage work system inside and outside the City (“Sewage Works”) and has heretofore constructed and has in operation such Sewage Works for the purpose of collecting and disposing of the sewage of the City in a sanitary manner; and

WHEREAS, H. J. Umbaugh & Associates has prepared a report of the existing schedule of rates and chargers heretofore fixed by ordinances of the City which has revealed that the fees charged by the City for the services rendered by its said Sewage Works are insufficient to maintain the Sewage Works in the sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the City has determined that it is necessary to amend the current schedule of rates and charges so as to produce sufficient revenue to pay all expenses incidental to the operation of the said Sewage Works, to provide adequate money for working capital, to provide adequate money for replacements and improvements to and of the Sewage Works, to provide any sinking fund for and to pay the principal, interest, and other charges on outstanding revenue bonds;

WHEREAS, the City now desires to amend the rates and charges established by Ordinance No. G-94-1070, as amended by Ordinance No. G-07-1173, as amended by Ordinance No. G-10-1192 as amended by Ordinance No. G-14-1317 to maintain the Sewage Works in a sound physical and financial condition necessary to render adequate and efficient service;

WHEREAS, this Ordinance establishing rates and charges has been introduced; notice of the public hearing has been duly given by publication and by mail to: (i) users of the Sewage Works located outside the City’s corporate boundaries; and (ii) owners of vacant or unimproved property if there is a fee for sewer availability to said properties; and a public hearing was held at which users of the Sewage Works, owners of property served or to be served by the Sewage Works, and other interested persons were heard concerning the proposed rates and charges.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA, THAT:

1. Section 3(a) of Ordinance No. G-94-1070, as amended by Ordinance No. G-07-1173, as amended by Ordinance No. G-10-1192 as amended by Ordinance No. G-14-1317 is hereby amended to read as follows:
   1. The various classes of users of the Sewage Works for the purpose of this Ordinance shall be as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | CLASS I. | “Class I Customers” are those customers which purchase services under this Ordinance at retail and shall be defined as all customers of the Sewage Works who are not Class II Customers, as defined below. | |  |
|  |  |  |  |  |
|  | CLASS II. | “Class II Customers” as that term is used in this Ordinance shall be defined to mean only those customers who purchase services under this Ordinance wholesale, such customers only being served in the area known as the Platter Parkway (Milan Township, Webster Road area north of U.S. 24), which is located in the Allen County Regional Water and Sewer District. | |  |

* 1. 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, except as herein otherwise provided. Water meters will be read periodically, and sewage service bills shall be rendered once each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined, shall be as follows for Class I Customers and Class II Customers:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | | |  |  | Total Monthly Rate |
|  | Quantity of Water Used Per Month | | | | | Per 1,000 Billed Gallons |
|  |  | First | 2,000 Gallons | | | $17.21 |
|  |  | Next | 6,000 Gallons | | | 15.29 |
|  |  | Next | 12,000 Gallons | | | 13.03 |
|  |  | Over | 20,000 Gallons | | | 10.69 |

1. Section 3(b) of Ordinance No. G-94-1070, as amended by Ordinance No. G-07-1173, as amended by Ordinance No. G-10-1192 and G-14-1317, is hereby amended to read as follows:
   1. The minimum charge for any service for Class I Customers and Class II Customers, where the user is a metered customer, shall be based on the size of the/each water meter serving such customer, and shall be as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Water Meter Size | | Monthly  Minimum Charge |
|  | 5/8” – 3/4” | Meter | $ 34.42 |
|  | 1” | Meter | 45.97 |
|  | 1-1/4” | Meter | 91.78 |
|  | 1-1/2” | Meter | 153.15 |
|  | 2” | Meter | 344.19 |
|  | 3” | Meter | 611.92 |
|  | 4” | Meter | 917.76 |
|  | 6” | Meter | 1,529.45 |

1. As noted above, Class I Customers and Class II Customers shall pay the same rates and charges under this Ordinance; however, Class II Customers, by virtue of their purchasing services under this Ordinance wholesale, shall receive a “wholesale credit” in the amount of $935.58 per month.
2. A customer’s monthly sewage bill shall be deemed due on the date that such bill is postmarked.
3. The fees for the services rendered by the said Sewage Works are hereby found to be non-discriminatory, reasonable just, equitable, and required to maintain the said Sewage Works in the sound physical and financial condition necessary to render adequate and efficient services.
4. All fees provided for herein shall be for services rendered by said Sewage Works and shall remain in full force and effect until properly changed in accordance with the laws of the State of Indiana.
5. All parts of Ordinance No. G-94-1070, as amended by Ordinance No. G-07-1173, as amended by Ordinance No. G-10-1192 as amended by Ordinance No. G-14-1317 that are in conflict herewith are repealed to the extent of said conflict. Such other provisions which are not in conflict are ratified and confirmed.
6. No part of this Ordinance shall be interpreted to conflict with federal, state, or other local laws not specifically amended hereby, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.
7. A copy of the schedule of rates and charges adopted herein shall be kept on file and available for public inspection in the office of the Clerk-Treasurer of the City.
8. The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.
9. This Ordinance shall be in full force and effect from and after its passage and adoption, and approval by the Mayor. The said rates and charges shall be applied with the first full billing cycle thereafter.

Adopted this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2017.

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Daniel Watts, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mike Voirol, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dean Gerig, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Renner, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael Martin, Councilman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Timothy Cummins, Clerk-Treasurer

Presented by me to the Mayor of the City of Woodburn, Indiana, on this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2017, at the hour of \_\_\_\_\_\_\_ P.M.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Timothy Cummins, Clerk-Treasurer

This Ordinance approved and signed by me on the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2017, at the hour of \_\_\_\_\_\_\_ P.M.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Joseph Kelsey, Mayor

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