

ORDINANCE NO. 22-1411

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 WATERWORKS OF SAID CITY AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the City of Woodburn (the “City”) is duly constituted to provide and maintain a waterworks system inside and outside the City (“Waterworks”) and has heretofore constructed and has in operation such Waterworks pursuant to I.C. §8-1.5 et. seq., as in effect on this date (the “Act”) for the purpose of providing drinking water of the City in a sanitary manner; and

WHEREAS, the Common Council of the City is authorized pursuant to the Act to fix, alter, charge, and collect reasonable and just rates and other charges in the area served or to be served by the Waterworks, either directly or indirectly; and

WHEREAS, reasonable and just rates are considered to be those rates that provide sufficient revenue to pay, among other things, all expenses incident to the operation of the Waterworks to include maintenance cost, operating charges, upkeep, repairs, depreciation, and interest charges on bonds or other obligations; provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds; and provide adequate funds to be used as working capital, as well as funds for making improvements, additions, extensions, and replacements; and

WHEREAS, Baker Tilly Municipal Advisors, LLC has prepared a report of the existing schedule of rates and charges heretofore fixed by ordinances of the City which has revealed that the fees charged by the City for the services rendered by its said Waterworks are insufficient to cover expected costs associated with the Waterworks and to maintain the Waterworks in the sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, on March 16, 2022, Indiana Governor Eric Holcomb signed House Enrolled Act 1002 (2022) into law, which among other things, repealed the Utility Receipts Tax, currently codified in I.C. § 6-2.3, with an effective date of July 1, 2022; and

WHEREAS, House Enrolled Act 1002 (2022) requires that each rate or charge that includes the recovery of the Utilities Receipts Tax be adjusted to reflect the repeal of the Utility Receipts Tax; and

WHEREAS, upon due recommendation after investigation, the City now desires to amend the rates and charges established by Ordinance No.G-12-1203, to establish a new schedule of rates and charges for the services to be rendered by the Waterworks to enable the City to maintain the Waterworks in a sound physical and financial condition necessary to render adequate and efficient service, and to account for the elimination of the Utility Receipts Tax; and

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 Waterworks located outside the City’s corporate boundaries; and (ii) owners of vacant or unimproved property if there is a fee for water service to said properties; and a public hearing was held at which users of the Waterworks, owners of property served or to be served by the Waterworks, and other interested persons were heard concerning the proposed rates and charges; and

WHEREAS, the Common Council has determined that this increase would be handled better by the community if it were implemented and phased-in over the course of three (3) years;

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

Section 1. There are hereby established for the use of and the service rendered by the Waterworks of the City, the following rates and charges:

A. METRED SALES. Based upon the amount of water supplied during each monthly billing period as follows:

For each full monthly billing cycle that begins after **December 1st, 2022**, unless superseded as below:

<u>Quantity of Water Used Per Month</u>	<u>Total Monthly Rate</u> <u>Per 1,000 Billed Gallons</u>	
	Inside City	Outside City*
First 2,000 Gallons	\$10.06	\$12.58
Next 6,000 Gallons	\$8.81	\$11.01
Next 12,000 Gallons	\$7.55	\$9.44
Next 30,000 Gallons	\$6.29	\$7.86
Over 50,000 Gallons	\$4.72	\$5.90

For each full monthly billing cycle that begins after **December 1st, 2023**, unless superseded as below:

<u>Quantity of Water Used Per Month</u>	<u>Total Monthly Rate</u> <u>Per 1,000 Billed Gallons</u>	
	Inside City	Outside City*
First 2,000 Gallons	\$10.98	\$13.73
Next 6,000 Gallons	\$9.62	\$12.03
Next 12,000 Gallons	\$8.24	\$10.30
Next 30,000 Gallons	\$6.87	\$8.59
Over 50,000 Gallons	\$5.15	\$6.44

For each full monthly billing cycle that begins after **December 1st, 2024**, as described below and until properly modified otherwise:

<u>Quantity of Water Used Per Month</u>		<u>Total Monthly Rate</u>	
		<u>Per 1,000 Billed Gallons</u>	
		Inside City	Outside City*
First	2,000 Gallons	\$11.98	\$14.98
Next	6,000 Gallons	\$10.50	\$13.13
Next	12,000 Gallons	\$8.99	\$11.24
Next	30,000 Gallons	\$7.50	\$9.38
Over	50,000 Gallons	\$5.62	\$7.03

* The Outside City rates are approximately twenty-five percent (25%) higher than the Inside City rates.

B. MINIMUM CHARGES. Each user shall pay a minimum charge in accordance with the size of metered installed, for which the user will be entitled to the quantity of water set forth in the metered schedule of rates as follows:

For each full monthly billing cycle that begins after **December 1st, 2022**, unless superseded as below:

<u>Water Meter Size</u>		<u>Monthly Minimum Charge</u>	
		Inside City	Outside City*
5/8" – 3/4"	Meter	\$20.13	\$25.16
1"	Meter	\$34.72	\$43.40
1 1/2"	Meter	\$65.45	\$81.81
2"	Meter	\$107.12	\$133.90
3"	Meter	\$230.60	\$288.25
4"	Meter	\$387.90	\$484.88
6"	Meter	\$843.54	\$1,054.43

For each full monthly billing cycle that begins after **December 1st, 2023**, unless superseded as below:

<u>Water Meter Size</u>		<u>Monthly Minimum Charge</u>	
		Inside City	Outside City*
5/8" – 3/4"	Meter	\$21.97	\$27.46
1"	Meter	\$37.90	\$47.38
1 1/2"	Meter	\$71.44	\$89.30
2"	Meter	\$116.92	\$146.15
3"	Meter	\$251.70	\$314.63
4"	Meter	\$423.39	\$529.24
6"	Meter	\$920.72	\$1,150.90

For each full monthly billing cycle that begins after **December 1st, 2024**, as described below and until properly modified otherwise:

<u>Water Meter Size</u>	<u>Monthly Minimum Charge</u>	
	Inside City	Outside City*
5/8" – 3/4" Meter	\$23.98	\$29.98
1" Meter	\$41.37	\$51.71
1 1/2" Meter	\$77.98	\$97.48
2" Meter	\$127.62	\$159.53
3" Meter	\$274.73	\$343.41
4" Meter	\$462.13	\$577.66
6" Meter	\$1,004.97	\$1,256.21

* The Outside City rates are approximately twenty-five percent (25%) higher than the Inside City rates.

C. NON-METERED SALES. For users of the Waterworks of which the water used 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, approved and acceptable to the City. Alternatively, if the owner does not install a meter, the City may bill the user a flat monthly rate based upon 6,000 gallons of water per month in accordance with the following:

For each full monthly billing cycle that begins after **December 1st, 2022**, unless superseded as below:

Residential: Inside City Non Metered charge per month \$55.36**
 Residential: Outside City Non Metered charge per month \$69.20**

For each full monthly billing cycle that begins after **December 1st, 2023**, unless superseded as below:

Residential: Inside City Non Metered charge per month \$60.44**
 Residential: Outside City Non Metered charge per month \$75.58**

For each full monthly billing cycle that begins after **December 1st, 2024**, as described below and until properly modified otherwise:

Residential: Inside City Non Metered charge per month \$65.96**
 Residential: Outside City Non Metered charge per month \$82.48**

**For customers of the Water Works that are unmetered, the monthly charge shall be based on 6,000 gallons per month.

D. FIRE PROTECTION SERVICE.

<u>Private Fire Hydrant Rental for the 2023 Calendar Year:</u>	\$245.39
<u>Private Fire Hydrant Rental for the 2024 Calendar Year:</u>	\$267.84
<u>Private Fire Hydrant Rental for the 2025 Calendar Year Onward:</u>	\$292.35

Public Fire Protection Surcharge (to be billed only to customers inside the City):

For each full monthly billing cycle that begins after December 1st, 2022, unless superseded as below:

<u>Public Fire Protection Surcharge</u>	<u>Per Month</u>
5/8" – 3/4" Meter	\$2.45
1" Meter	\$4.21
1 1/2" Meter	\$7.95
2" Meter	\$13.01
3" Meter	\$28.00
4" Meter	\$47.10
6" Meter	\$102.45

For each full monthly billing cycle that begins after December 1st, 2023, unless superseded as below:

<u>Public Fire Protection Surcharge</u>	<u>Per Month</u>
5/8" – 3/4" Meter	\$2.67
1" Meter	\$4.60
1 1/2" Meter	\$8.68
2" Meter	\$14.20
3" Meter	\$30.56
4" Meter	\$51.41
6" Meter	\$111.82

For each full monthly billing cycle that begins after December 1st, 2024, as described below and until properly modified otherwise:

<u>Public Fire Protection Surcharge</u>	<u>Per Month</u>
5/8" – 3/4" Meter	\$2.91
1" Meter	\$5.02
1 1/2" Meter	\$9.47
2" Meter	\$15.50
3" Meter	\$33.36
4" Meter	\$56.11
6" Meter	\$122.05

E. SPRINKLER SYSTEM CONNECTIONS (billed annually):

For the 2023 Calendar Year	Inside City	Outside City*
6" connection	\$807.50	\$1,009.38
8" connection	\$1,174.49	\$1,468.11
12" connection	\$3,413.68	\$4,267.10

For the 2024 Calendar Year	Inside City	Outside City*
6" connection	\$881.39	\$1,101.74
8" connection	\$1,281.96	\$1,602.45
12" connection	\$3,726.03	\$4,657.54

For the 2025 Calendar Year Onward	Inside City	Outside City*
6" connection	\$962.04	\$1,202.55
8" connection	\$1,399.26	\$1,749.08
12" connection	\$4,066.96	\$5,083.70

* The Outside City rates are approximately 25% higher than the Inside City rates.

Section 2. A customer's monthly water bill shall be deemed due on the date that such bill is postmarked.

Section 3. The fees for the services rendered by the said Waterworks are hereby found to be non-discriminatory, reasonable just, equitable, and required to maintain the said Waterworks in the sound physical and financial condition necessary to render adequate and efficient services.

Section 4. All fees provided for herein shall be for services rendered by said Waterworks and shall remain in full force and effect until properly changed in accordance with the laws of the State of Indiana.

Section 5. 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.

Section 6. 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.

Section 7. 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.

Section 8. All parts of previous Ordinances 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.

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 5th day of December, 2022

< SIGNATURES ON NEXT PAGE >

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By: _____ YEA _____ NAY _____ ABS _____
Vicky Sarrazine, Councilwoman

By: _____ YEA _____ NAY _____ ABS _____
Michael Martin, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Tonya Thompson, Councilwoman

By: _____ YEA _____ NAY _____ ABS _____
Dean Gerig, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Daniel Watts, Councilman

ATTEST:

By: _____
Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved () / not approved () by me on the same date.

By: _____
Joseph Kelsey, Mayor for the City of Woodburn