

**AN ORDINANCE AMENDING THE SEWAGE RATES
OF THE TOWN OF PIERCETON, INDIANA**

WHEREAS, I.C. 36-9-23-25 requires that just and equitable fees for the services rendered by the Sewage Works be established by the municipal legislative body to include sufficient sums to pay all expenses incidental to the operation of the Works, including legal expenses, maintenance costs, operating charges, repairs, and interest charges on bonds or other obligations; and to provide adequate money to be used as working capital and to provide adequate money for improving and replacing the Works, and

WHEREAS, the revenues and fees of the Sewage Works are now inadequate to provide funds for the Town to render adequate and efficient service.

WHEREAS, the Town Council of the Town of Pierceton, Indiana, has conducted a study of fair and equitable rates necessary to provide revenues sufficient to provide for the adequate and efficient maintenance of the Sewage Works and have determined that such rates and charges should be adopted,

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PIERCETON, INDIANA, AS FOLLOWS:

Section 1. Section 10-2-1 of the Pierceton Town Code is hereby modified and amended to increase the rates and charges provided by said Section, and that said Section is therefore now hereby amended to read as follows:

Sec. 10-2-1 Rates and Charges

For the use of and the service rendered by said sewage disposal 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 sewerage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the sanitary sewerage 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 subject to such rates and charges, as the same is measured by the water meter then and there in use. If a sewage meter is in use with consent of the Town Council, then for purposes of determining rates and charges, the term "Sewage Meter" shall be synonymous with "Water Meter". Water meters will be read monthly and sewage bills rendered monthly.

(b) The water usage schedule on which the amount of said sewage rates and charges shall be determined for all users other than an Intergovernment Sewage Utility, shall be as follows:

Quantity of Water Used per Month	Charge per 1,000 Gallons		
	Phase I	Phase II	Phase III
	<u>Effective 1/1/2022</u>	<u>Effective 1/1/2023</u>	<u>Effective 1/1/2024</u>
First 2,000 gallons	\$16.12	\$16.44	\$16.77
Next 4,000 gallons	9.64	9.83	10.03
Next 9,000 gallons	6.37	6.50	6.63
Next 20,000 gallons	5.63	5.74	5.85
Next 45,000 gallons	4.83	4.93	5.03
Over 80,000 gallons	4.05	4.13	4.21

The minimum charge for any user per month shall be based upon meter sizes as follows:

Meter Size	Minimum Charge		
	Phase I	Phase II	Phase III
	<u>Effective 1/1/2022</u>	<u>Effective 1/1/2023</u>	<u>Effective 1/1/2024</u>
5/8 - 3/4"	\$32.24	\$32.88	\$33.54
1"	55.22	56.31	57.45
1-1/4"	78.91	80.47	82.10
1-1/2"	110.46	112.67	114.94
2"	134.15	136.84	139.58
2-1/2"	157.76	160.90	164.11
3"	189.21	192.97	196.80
4"	268.01	273.34	278.74
6"	401.93	410.03	418.20

In no event shall the minimum charge be less than Thirty-Two Dollars and Twenty-Four Cents (\$32.24) per month in Phase 1, less than Thirty-Two Dollars and Eighty-Eight Cents (\$32.88) per month in Phase 2, less than Thirty-Three Dollars and Fifty-Four Cents (\$33.54) per month in Phase 3. The above rates and charges will apply except as otherwise provided herein or by other ordinance.

(c) The Sewage Usage Schedule on which the amount of rates and charges for an Intergovernment Sewage Utility user shall be as follows:

All over 1 Gallon	Charge per 1,000 Gallons		
	Phase I	Phase II	Phase III
	<u>Effective 1/1/2022</u>	<u>Effective 1/1/2023</u>	<u>Effective 1/1/2024</u>
	\$2.00	\$2.05	\$2.10

(d) For the service rendered to the Town of Pierceton said Town shall be subject to the same rates and charges as hereinabove provided.

(e) Out of Town Rates: An Intergovernmental Sewage Utility is a sewage utility operated by another governmental unit. I.C. 36-9-23-26(b) and I.C. 8-1.5-3-8.1(c) and (d) require that if this Ordinance imposes different rates and charges on the users of the works for service to property located outside of the Town's corporate boundaries as compared to property located within the boundaries then the Ordinance must state in plain language the percentage difference between the rates and charges. Except for Intergovernmental Sewage Utility rates and charges, there is no difference in the rates and charges for users of the works for service to property located outside of the Town's corporate boundaries as compared to property located within said boundaries of the Town. The Intergovernmental Sewage Utility rates are lower than the rates for other in-town users.

Compared to Quantity of Water Used Per Month			% Difference B/tw Intergovernmental and In-Town Rates as Per 1000 Gallons			
			Phase I (Eff. 1/1/22)	Phase II (Eff. 1/1/23)	Phase III (Eff. 1/1/24)	
First	2,000	Gallons	87.593%	87.530%	87.478%	less than in-town charges
Next	4,000	Gallons	79.253%	79.145%	79.063%	less than in-town charges
Next	9,000	Gallons	68.603%	68.462%	68.326%	less than in-town charges
Next	20,000	Gallons	64.476%	64.286%	64.103%	less than in-town charges
Next	45,000	Gallons	58.592%	58.418%	58.250%	less than in-town charges
All Over	80,000	Gallons	50.617%	50.363%	50.119%	less than in-town charges

Charges for various items of property and service, if needed, are set forth in Ordinance 91-12-1 adopted by the Town of Pierceton, which approves the mutual agreement dated September 19, 1991, entered into by the Town of Pierceton and the Town of Larwill, and approved by the Indiana Department of Environmental Management pursuant to I.C. 36-9-23-16, which agreement was supplemented by a Supplemental Agreement of the parties dated October 12, 1992, and further supplemented by the parties' Addendum dated December 8, 1992. Such specific charges or events to occur, if any, are unknown and not comparable to the rates of other users.

(f) There will be a charge in the amount of \$25.00 assessed to the consumer for each check which is returned to the town for non-sufficient funds.

(g) All connections to the Town's sewer main must be inspected, and there will be a \$25.00 charged assessed to the consumer for inspection of all connections to the municipal sewage works including replacement of existing connections.

(h) A system development charge shall be collected from each customer prior to connection to the Sewage Works System based on meter size as follows:

<u>Meter Size</u>	<u>Meter Ratio</u>	<u>Charge</u>
5/8 - 3/4"	1.0	\$500.00
1"	2.5	1,250.00
1-1/4"	4.0	2,000.00
1-1/2"	5.0	2,500.00
2"	8.0	4,000.00
3"	15.0	7,500.00
4"	25.0	12,500.00
6"	50.0	25,000.00

Section 2. Specific Prior Ordinances to Continue. Ordinance numbered 87-9-3 of the Town of Pierceton, Indiana, adopted on October 1, 1987, and Ordinance No. 88-9-1 adopted October 10, 1988 shall continue in full force and effect and are not modified or amended by this Ordinance.

Section 3. Prior Ordinances. All other parts of the Sewage Use and Rate Ordinances of the Town of Pierceton, Indiana, not otherwise directly modified by this Ordinance, shall continue in full force and effect, and no parts of the prior Ordinances are superseded by this Article except that part denoted as Section 10-2-1 in the Town Code of the Town of Pierceton, Indiana.

Section 4. Commencement Date of Rates. The rates provided herein shall commence with the February 28 billing cycle which is for sewer use from January 15, 2022 to February 15, 2022.

Section 5. Severability. If any part of the foregoing Ordinance is determined to be invalid, all other parts shall remain in full force and effect.

Section 6. Effective Upon Adoption. This Ordinance shall be in full force and effect upon its adoption by the Town Council of the Town of Pierceton, Indiana, as required by law.

UPON MOTION DULY MADE AND SECONDED this Ordinance was presented and introduced as Ordinance Number 2021-12-_____, at the Regular Meeting of the Town Council on the 13th day of December, 2021, by unanimous vote of _____ ayes and _____ nays.

On the 10th day of January, 2022, a public hearing was held before the Town Council of the Town of Pierceton, Indiana, on the rates and charges proposed by this Ordinance Number 2021-12-_____, as introduced on December 13, 2021. The public hearing was held in accordance with I.C. 8-1.5-3-8.1 and I.C. 36-9-23-26 after publishing notice thereof in accordance with I.C. 5-3-1, by mailing to owners of vacant or unimproved property if there is a fee for sewer availability to vacant or unimproved property, and by mailing to users of the Sewage Works for service to property located outside the municipality's corporate boundaries. The Town Council, after permitting all persons whom attended to be heard, and after reading the written comments submitted to the Town, then closed the hearing.

UPON MOTION DULY MADE AND SECONDED, at the Regular Meeting of the Town Council of the Town of Pierceton, Indiana, this Ordinance was adopted by the Town Council by a vote of _____ ayes and _____ nays this 10th day of January, 2022.

The Town Council of the Town of Pierceton, Indiana

Thomas Barker, President

Mandy Espinoza, Member

ATTEST:

Myra Mast, Clerk-Treasurer

Matthew Brubaker, Member