

ORDINANCE NO. 2021-12-_____

**AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR
THE USE OF WATER AND SERVICES RENDERED BY THE
WATERWORKS SYSTEM OF THE TOWN OF PIERCETON**

WHEREAS, the existing water rates are too low to provide for the operation, maintenance, and depreciation of the waterworks of the Town of Pierceton and to pay for the expenses that have been incurred in seeking to improve said waterworks, and

WHEREAS, the Town Council deems it advisable to establish a uniform method of billing and collecting the water charges from the numerous users, and

WHEREAS, the Waterworks Utility of the Town was withdrawn from the jurisdiction of the Indiana Utility Regulatory Commission, effective as of March 15, 1991, pursuant to Ordinance No. 90-11-1 of the Town enacted and adopted pursuant to and according to the provisions and requirements of I.C. 8-1.5-3-9.1, and

WHEREAS, I.C. 8-1.5-3-8 and 8.1 govern the rate-making obligation and rate-making process applicable to the Waterworks Utility of the Town,

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

Section 1. Rates and Charges: There are hereby established for the use of and the service rendered by the Waterworks System of the Town of Pierceton the following rates and charges, based on the use of water supplied by said Waterworks System:

(a)		Monthly Rate per 1,000 Gallons		
		Phase I	Phase II	Phase III
<u>Metered Consumption Per Month</u>		<u>Effective 1/1/2022</u>	<u>Effective 1/1/2023</u>	<u>Effective 1/1/2024</u>
First	3,333 gallons	\$9.31	\$9.50	\$9.69
Next	6,667 gallons	7.72	7.87	8.03
Next	6,667 gallons	6.01	6.13	6.25
Next	20,000 gallons	4.42	4.51	4.60
Next	233,333 gallons	3.31	3.38	3.45
Over	270,000 gallons	2.74	2.79	2.85

(b) Minimum Charge Per Month

Each user shall pay a minimum monthly charge in accordance with the following applicable size of meter installed, which charge shall be applicable if the monthly charge for use is less than this minimum charge, and which minimum monthly charge takes into consideration the minimum overhead expense of the Town that exists with respect to each user in maintaining and providing billing, the cost of maintaining a system to have available the quantity of water that can be used through such a line, including but not limited to the

cost of maintaining lines within the Town, and the cost of billing, collecting, and accounting for payments made by the user, which minimum monthly charges are as follows:

<u>Meter Size</u>	<u>Minimum Charge Per Month</u>		
	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
	<u>Effective 1/1/2022</u>	<u>Effective 1/1/2023</u>	<u>Effective 1/1/2024</u>
5/8 - 3/4"	\$22.11	\$22.56	\$23.01
1"	36.91	37.65	38.41
1-1/4"	55.29	56.39	57.53
1-1/2"	73.66	75.12	76.64
2"	110.38	112.57	114.83
3"	220.64	225.08	229.59
4"	331.12	337.90	344.74
6"	503.40	513.82	524.31

(c)

	<u>Rate Per Annum</u>		
	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
	<u>Effective 1/1/2022</u>	<u>Effective 1/1/2023</u>	<u>Effective 1/1/2024</u>
<u>Fire Protection Charges</u>			
1. Hydrant Rental			
Municipal Hydrants - Per Hydrant	\$846.65	\$863.60	\$880.85
Private Hydrants - Per Hydrant	1,059.65	1,080.85	1,102.45
2. Sprinkler Connections			
4" Fire Line	\$508.00	\$518.15	\$528.50
6" Fire Line	1,146.75	1,169.70	1,193.10
8" Fire Line	2,040.10	2,080.90	2,122.50
10" Fire Line	3,186.55	3,250.30	3,315.30

(d) Tap Charge

A tap charge shall be collected from each customer prior to connection to the water system. The charge shall be an amount sufficient to reimburse the Town for the labor, material and overhead necessary for tapping a main to the property line (including the curb stop) and the cost of furnishing and installing a suitable water meter, provided however, that in no event shall a charge for such connection be less than \$1,500.00, unless all materials and installation are obtained and made by the customer, with the consent of the waterworks, in which event the tap charge shall be \$500.00 plus the cost of the meter. All water meters become and remain the property of the waterworks once installed, whether purchased by the customer or the Town.

(e) Temporary Users

Water furnished to temporary users, such a contractors, etc., shall be charged on the basis of the metered rates hereinbefore set forth as estimated and established by the Waterworks Superintendent.

(f) Collection and Deferred Payment Charge

All bills for water services not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject to the collection or deferred payment charge of ten percent (10%) of the first \$3.00 and three percent (3%) on the excess over \$3.00. In the event of legal action to collect an unpaid water bill, the user shall pay the reasonable attorney's fees incurred by the Town.

(g) Deposit

Any person or entity applying for water service shall, prior to such service being furnished, pay to the Waterworks System a deposit, which deposit shall be held by the Waterworks without interest obligation to the user, and which deposit, upon termination of water service to the user, shall be applied to any amount owed to the Waterworks for rates and charges, and the balance then remaining after such application, shall be returned to the user, and which deposit shall be in the following amount, to-wit:

DEPOSIT AMOUNT: Three (3) times minimum monthly charge rounded up to the nearest whole dollar.

When a user, has for a continuous period of five (5) years, paid each monthly water user charge when due, the user shall be entitled to a refund of that user's deposit.

(h) Returned Check Charge

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.

(i) Reconnection Charge

When utility service is discontinued for nonpayment, such service shall not be reinstated until a \$25.00 reconnection fee is paid to the Town. In addition, the customer will pay all delinquent charges before the water will be reconnected.

(j) Turn On/Off Fee

There will be a \$25.00 charge assessed to the consumer for turning utility service on and off.

(k) Inspection Fee

There will be a \$25.00 charge assessed to the consumer for inspection of all connections to the municipal water utility including replacement of existing connections.

(k) System Development Charge

A system development charge shall be collected from each customer prior to connection to the Waterworks 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. Billing and Collecting: For the purpose of billing and collecting the charges for water use, the meters shall be read monthly, provided however, that if for some reason a meter is not read during a particular month, the Clerk may estimate the monthly billing based upon the most recent monthly meter reading. If at any time following the reading of the meter, it appears that the prior monthly billing was in error, either overstating or understating consumption, the next monthly billing shall be adjusted accordingly.

Section 3. Effective Date for Rates: The rates provided herein shall commence with the February 28 billing cycle which is for water use from January 15, 2022 to February 15, 2022.

Section 4. Prior Ordinances: All parts of prior Ordinances in conflict with the provisions of this Ordinance are hereby superseded and replaced by this Ordinance, provided however, that the existing schedule of rates and charges for water service shall remain in full force and effect until the date provided for the application of rates and charges provided for herein.

Section 5. Severable: Each section of this Ordinance and each part of each section of this Ordinance are hereby declared severable, and if any part of this Ordinance is deemed unconstitutional or unenforceable, all other parts of this Ordinance not so adversely determined shall remain in full force and effect.

Section 6. Effective Date: This Ordinance shall be in full force and effect from and after its passage.

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 after publishing notice thereof in accordance with I.C. 5-3-1 (I.C. 5-3-1-1 thru I.C. 5-3-1-9), by mailing to owners of vacant or unimproved property if there is a fee for water service to vacant or unimproved property, and by mailing to users of the Water 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

Matthew Brubaker, Member

ATTEST:

Myra Mast, Clerk/Treasurer