ORDINANCE NO. 1989- SEW-1

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE TOWN OF CORYDON, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Town has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner; and,

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by ordinances of the Town has revealed that the schedule creates inequities as between the classes of users; and,

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, in an equitable manner, and to pay the principal and interest on outstanding revenue bonds in accordance with any applicable bond ordinances; now therefore;

BE IT ORDAINED by the Board of Trustees of the Town of Corydon, Indiana;

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

(a) "Board" shall mean the Board of Trustees of the Town of Corydon, Indiana, or any duly authorized officials acting in its behalf.

(b) "TBOD" - (Denoting Total Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in parts per million (PPM) or milligrams per liter (Mg/l).

(C) "Town" shall mean the Town of Corydon, Indiana, acting by and through the Board of Trustees.

(d) "Debt Service Cost" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

(e) "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".

(f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

(g) "NPDES" shall mean National Pollutant Discharge Elimination System.

(h) "Normal Domestic Sewage" (for the purpose of determining sur-charges) shall mean wastewater or sewage having an average daily concentration as follows:

TBOD not more than 250 mg/l

TSS not more than 250 mg/l

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

(i) "Operation and Maintenance Costs" include all costs, direct and indirect, including but not limited to replacement costs, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and to produce discharges to receiving waters that conform with all related Federal, State and local requirements.

(j) "Other Service Charges" shall mean tap-on charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges.

(k) "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.

(l) "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.

(m) "TSS" (Total Suspended Solids) shall mean solids that

either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(n) "Shall" is mandatory; "May" is permissive.

(o) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

(p) "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.

(q) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works.

(r) "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 Town 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 Town discharges primarily segregated domestic 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 industral waste to a publicly owned treatment works.

(s) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not

intentionally admitted.

Section 2. [RESERVED]

Section 3. For the use of and the services rendered by 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 Town sanitary sewer system or otherwise discharges sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the Town of Corydon. Such rates and charges include operations and maintenance, 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 determinable 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 is measured by the water meter there in use, plus a base charge based on the size of the 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 monthly or period equaling a month. The water usage schedule on which the amount of said rates and charges shall be determined as follows:

I. MONTHLY BASE CHARGE - METERED USERS

Meter Size:		
5/8 -3/4	inch	$ 4.10
1	inch	8.65
1 1/4	inch	13.10
1 1/2	inch	18.50
2	inch	31.10
3	inch	70.10
4	inch	121.10
6	inch	274.10

II. FLOW CHARGE (per 1000 gallons)

All users $ 1.15

(b) For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month. The schedule on which said rates and charges shall be determined is as follows:

UNMETERED USERS (per month)

Residential Single Family:

Assuming 4000 gallons average

($4.10 base charge + (4 x $1.15 flow charge)) = $8.70

All other unmetered users: Rates to be determined by the Town on an individual basis by applying above rates to estimated usage.

Unmetered non "Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

(c) For the service rendered to the Town of Corydon said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of analysis.

Section 4. The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such a manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the Town 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 Town that such quantities do not enter the sanitary sewage system.

(a) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town 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 Town, then the amount of water used shall be otherwise measured or determined by the Town. 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 Town for the determining of sewage discharge.

(b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, 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 Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage 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 a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town 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 devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(e) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a control manhole suitably located and available to the Town at all times.

(a) Normal sewage domestic waste strength should not exceed a total biochemical oxygen demand of 250 milligrams per liter of fluid, or total suspended solids in excess of 250 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) <u>Rate Surcharge Based Upon Total Suspended Solids</u>

There shall be an additional charge of 8¢ cents per pound of total suspended solids for total suspended solids received in excess of 250 milligrams per liter of fluid.

(2) <u>Rate Surcharge Based Upon TBOD</u>

There shall be an additional charge of 8¢ cents per pound of total biochemical oxygen demand for TBOD received in excess of 250 milligrams per liter of fluid.

(b) The determination of Total Suspended Solids and five-day Total Biochemical Oxygen Demand contained in the waste shall be in accordance with the most current edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 6. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

(a) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(b). As is provided by I.C. 36-9-23-31, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid shall be determined by the Town in its discretion and be printed on the bill.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses of user classes,

the Town shall periodically cause a study to be made. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users and user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

Said studies shall be conducted by officers or employees of the Town, by a firm of certified public accountants, and/or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants and/or engineers as the Town shall determine to be best under the circumstances.

Section 8. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage treatment works, for the construction and use of house sewers and connection to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of the waste-water treatment facility.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works.

Section 9. 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 can be given effect without such invalid part or parts.

Section 10. No statement or language in this ordinance shall be construed in any manner to conflict with any applicable statute.

Section 11. The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such 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.

This ordinance shall be in full force and effect from and after its passage, and specifically repeals the prior ordinance entitled 1963-SEW-2 and subsequent amendments entitled 1970-SEW-2 and 1975-SEW-1.

Passed and adopted by the Board of Trustees of the Town of Corydon, Indiana, on the 22nd day of May, 1989.

BOARD OF TRUSTEES OF THE
TOWN OF CORYDON

F. K. Cannaday

Floyd K. Byerley

Rebecca A. Campbell

Ardis J. Conrad

Roy A. McKinn

ATTEST:

Janet L. Frederick
CLERK-TREASURER