

ORDINANCE NO. 32-2009

**AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES
AND CHARGES COLLECTED BY THE TOWN OF PLAINFIELD,
INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE
SEWAGE WORKS OF SAID TOWN, REPEALING ORDINANCE 17-2003,
ORDINANCE 07-2004, ORDINANCE 6-2006, ORDINANCE 34-2006
AND OTHER MATTERS CONNECTED THEREWITH**

WHEREAS, the Town has heretofore constructed and has in operation sewage works system for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore constructed improvements financed in part by grants from the U.S. Environmental Protection Agency and the State of Indiana and in part by revenue bonds to fund that portion not covered by grants; and

WHEREAS, the Town desires to make certain capital improvements to its sewage works system, to refund certain outstanding bond anticipation notes and to provide for other improvements to its sewage works system; and

WHEREAS, the Town will sell revenue bonds to fund a portion of the cost of construction of said improvements to the sewage works system; and

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by ordinances of the Town has revealed that the schedule will not produce sufficient revenue to (1) pay costs of construction and Operation and Maintenance Costs for necessary replacements and improvements to the sewage works system and (2) pay the principal and interest on proposed and outstanding revenue bonds in accordance with the applicable bond ordinance; 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 system, and to pay the principal and interest on proposed and outstanding revenue bonds in accordance with the applicable bond ordinance;

WHEREAS, it is deemed necessary to repeal and replace Ordinance No. 17-2003 (the "2003 Ordinance"), Ordinance No. 07-2004, Ordinance No. 16-2006 and Ordinance No. 34-2006 in their entirety.

BE IT ORDAINED BY THE Town Council of the Town of Plainfield, Indiana;

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

- (a) "BOD" or "Biochemical Oxygen Demand" shall have the same meaning as defined in the Sewer Use Ordinance.

- (b) "Deer Path Residential Units" shall mean the former customers of Deer Path Utilities who now utilize the Town's sewage works system.
- (c) "EDU" is a measure where one (1) unit is equivalent to wastewater effluent from one single family residential unit, which is three hundred gallons per day per single family residential unit (1 EDU = 300 gallons per day).
- (d) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating Sewage with an average strength in excess of "Normal Domestic Sewage".
- (e) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (f) "NPDES Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (g) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 250 mg/l
 S.S. not more than 250 mg/l
 NH -N not more than 15 mg/l

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

- (h) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (i) "Other Service Charges" shall mean Connection Fees, Availability Fees, inspection fees, and other identifiable charges other than User Charges and Excessive Strength Surcharges.
- (j) "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.
- (k) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage works system to maintain the capacity and performance for which such works were designed and constructed.
- (l) "S.S." or "Suspended Solids" shall have the same meaning as defined in the Sewer Use Ordinances.
- (m) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.

- (n) "Sewer Use Ordinance" shall mean Ordinance No. 3-86, which regulates the connection to and use of public and private sewers.
- (o) "Shall" is mandatory; "may" is permissive.
- (p) "Town" shall mean the Town of Plainfield, Indiana, acting by and through the Town Council.
- (q) "Town Council" shall mean the Town Council of the Town of Plainfield, Indiana, or any duly authorized officials acting on its behalf.
- (r) "User Charges" shall mean charges levied on users of the sewage works system for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500 and for debt service costs to recover principal and interest on all proposed and outstanding revenue bonds or other long-term capital debt.
- (s) "User Class" shall mean the division of 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 sewage works system 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 established 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 sewage works system.

Industrial User – shall mean any manufacturing or processing facility that discharges industrial waste to a sewage works system.

- (t) "Belleville Residential Units" – shall mean the former residential users of the Belleville Conservancy District who now utilize the Town's sewage works system and potential and future residential users located within the territorial boundaries of the former Belleville Conservancy District.

Section 2. Every person whose premises are served by said sewage works system shall be charged for the services provided. These charges are established for each User Class, as defined, in order that the sewage works system shall recover, from each user and User Class, revenue which is proportional to its use of the sewage works system in terms of volume and load. User Charges are levied to defray the cost of operation and maintenance (including replacement)

of the sewage works system. User Charges shall be uniform in magnitude within a User Class. User Charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement Costs, which are recovered through the system of User Charges, shall be based upon the expected useful life of the sewage works equipment.

Section 3. For the use of and the services rendered by the sewage works system, 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 sewage works system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewage works system of the Town. Such rates and charges include User Charges, Excessive Strength Surcharges and Other Charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) Metered Users

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 works service, the water meters shall be read monthly and the users shall be billed monthly (or period equaling a month). The rates and charges shall be effective commencing February 1, 2010 and thereafter. The water usage schedule on which the amount of said rates and charges shall be determined as follows:

1) Treatment Rate (per 1,000 gallons of usage per month):

User Charges

Metered Users	\$4.03
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2) Base Rate (per month based on size of water meter):

User Charges

Water Meter Size	
5/8 - 3/4 inch	\$ 4.83
1 inch	\$ 8.97
1 ¼ inch	\$13.11
1 ½ inch	\$17.83
2 inch	\$29.56
3 inch	\$65.32
4 inch	\$112.18
6 inch	\$252.60
8 inch	\$447.81

(b) Unmetered Users:

For users of the sewage works system that are unmetered water users or 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 (or period equaling a month). The rates and charges shall be effective commencing February 1, 2010 and thereafter. The schedule on which said rates and charges were determined is based on 6,000 gallons usage and is as follows:

<u>Residential:</u>	<u>Equivalence to Single Family Dwelling Unit</u>	<u>Rate Per Month</u>
Single family residence/unit	1.0	\$29.01
Apartment or trailer court/unit	.75	\$21.76
Deer Path and Belleville Residential Units	1.0	\$29.01
<u>Commercial:</u>		
<u>Retail establishment:</u>		
First 3 employees	1.0	\$29.01
Each additional employee	.25	\$7.25
<u>Gasoline service station:</u>		
W/o car wash facilities	1.5	\$43.52
With car wash facilities	2.5	\$72.53
<u>Restaurant, drive-ins & taverns w/ eating and/or drinking facilities:</u>		
First 2 employees	1.0	\$29.01
Each additional employee	.33	\$9.57
Laundromats – per washer	.33	\$21.76
Car wash, manual – per bay	.75	\$72.53
Shop or office in home	2.5	\$58.02
<u>Professional office:</u>		
First 2 employees	1.0	\$29.01
Each additional employee	.33	\$9.57
<u>Governmental/Institutional:</u>		
School/student	.04	\$1.16
<u>Churches, lodges & veterans organizations w/o eating and/or drinking facilities:</u>		
For each 200 members	1.0	\$29.01
<u>Government offices:</u>		
First 3 employees	1.0	\$29.01
Each additional employee	.25	\$7.25
<u>Industrial (sanitary flow only):</u>		
First 3 employees	1.0	\$29.01

Each additional employee	.25	\$7.25
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- (c) For the service rendered to the Town, the 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 monitoring but not less than \$25.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this Ordinance.
- (e) Compound Meters.

Compound Meters will be billed as follows unless it is otherwise determined by the utility that the Compound Meter was installed and the larger meter included in the Compound Meter is necessary to provide for purposes other than fire protection only:

Smaller Meter of Compound Meter	Billed in accordance with the Treatment Rate and Base Rate schedules in the Ordinance
Larger Meter of Compound Meter	Not billed

If it is determined by the utility the Compound Meter was installed and the larger meter of the Compound Meter is necessary for purposes other than fire protection only, then the user shall be billed in accordance with the Treatment Rate and Base schedules in the Ordinance for both meters included in the Compound Meter.

- (f) (i) Single-family residential customers shall be eligible for summer sewer rate relief. Single-family residential sewage services, as applicable to the sprinkling rate, shall apply to each lot, parcel of real estate or building which is used as a single-family residence. Said sprinkling rates shall not apply to any premises used wholly or in part as commercial, industrial or multi-family (two units or more).
 - (ii) The summer value will be the unmetered sewer rate as set or confirmed by the Town on an annual basis.
 - (iii) The summer sewer rate will begin with the June billing and end with the October billing, unless rescinded earlier for an individual account by the customer, in writing, to the Town of Plainfield, Town Hall, P.O. Box 65, Plainfield, Indiana 46168.
 - (iv) For summer sewer rates, single-family residential customers shall be required to pay a \$50.00 non-refundable application fee at the Town of Plainfield, Town Hall, 206 W. Main Street, Plainfield, no later than April 15. New customers will be allowed to apply until July 1.
- (g) The West Central Conservancy District ("WCCD") shall pay the Town an amount equal to Four and 38/100 Dollars (\$4.38) per one thousand (1,000) gallons discharged to the sewage works system.

Section 4. The quantity of water discharged into the sewage works system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage works 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 sewage works 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 works 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 or 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 sewage wastes, water or other liquids into the Town's sewage works 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 resource 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 metes, 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, industrial sewage, water or other liquids into the Town's sewage works 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 sewage waste, water or other liquids into the Town's sewage 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 sewage works 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 Charges as they deem to be equitable.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the sewage works 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 works system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point which is, as defined in the Sewer Use Ordinance, available to the Town at all times.

- (a) Normal Domestic Sewage waste strength should not exceed a BOD of 250 milligrams per liter of fluid, Suspended Solids in excess of 250 milligrams per liter of fluid or nitrogen in excess of 15 milligrams per liter of fluid. Additional charges for treating stronger-than-Normal Domestic Sewage shall be made on the following basis:

- (i) Rate Surcharge Based Upon Suspended Solids

- There shall be an additional charge of 10 cents per pound of Suspended Solids for Suspended Solids received in excess of 250 milligrams per liter of fluid.

- (ii) Rate Surcharge Based Upon BOD

- There shall be an additional charge of 10 cents per pound of BOD for BOD received in excess of 250 milligrams per liter of fluid.

- (iii) Rate Surcharge Based Upon NH – N

- There shall be an additional charge of 67 cents per pound of nitrogen for NH – N received in excess of 15 milligrams per liter of fluid.

- (b) The determination of Suspended Solids and five-day Biochemical Demand contained in the waste shall be in accordance with the current addition 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 for all users shall be prepared and billed monthly.
- (b) 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.

- (c) As provided by statute, 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 is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 7. In order that the rates and charges for sewage works services may remain fair and equitable and be in proportion to the cost of providing services to the various users of User Classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which this Ordinance goes into effect. 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 or User Classes, the financial position of the sewage works system and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the sewage works system. Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the sewage works system and all appurtenances attached thereto; and (b) maintaining proportionality among the User Classes of the rates and charges for sewage works services.

Said studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants 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 sewage works system; for the construction and use of house sewers and connections to the sewage treatment works; for the construction and use of house sewers and connection to the sewage works 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 or the sewage works system.

The Town, in its sole discretion, is hereby authorized to prohibit dumping of Sewage and wastes into the Town's sewage works system which the Town deems harmful to the operation of the sewage works system of the Town, or the Town may require the use of methods affecting pretreatment standards included in the NPDES Permit issued to the sewage works system.

Section 9. The Town Council is hereby further authorized to enter into special rate contracts with users of the sewage works system where clearly definable costs to the sewage works system can be determined, and such special contract rates are based on such costs.

Section 10. (a) No connection to the Town's sewage works system shall be allowed until a permit is obtained and payment of Treatment Availability Fees, Conveyance System Fees and Connection/Inspection Fees have been made to the Town, or if applicable, payments have been arranged in accordance with Section 10(b) of this Ordinance.

(i) "Treatment Availability Fee" is the charge to a user for a new or additional connection to the Town's sewage works system and is charged in return for the Town making available to such user the Town's sewage treatment system consisting of all facilities and operations necessary to treat sewage of such user. The amount of the Treatment Availability Fee shall be as follows:

<u>Residential User</u>	<u>All Others Users</u>
\$1,325 per EDU	\$1,325 per EDU

(ii) "Conveyance System Fee" is the charge to a user for a new or additional connection to the Town's sewage works system and is charged as a pro rata cost of construction of all interceptor sewer lines and appurtenances to serve the property of the connecting user. The Conveyance System Fee shall be as follows:

<u>Residential User</u>	<u>All Others Users</u>
\$590 per EDU	\$590 per EDU

Where a project charge or recoupment agreement charge has been established prior to the date of this Ordinance, the project charge or recoupment agreement charge shall apply. The cost of conveyance systems constructed after the date of this Ordinance by someone other than the Town under a written agreement with the Town may be credited against the Conveyance System Fee. The decision to allow such credit and the amount of the credit shall be made solely at the discretion of the Town.

(iii) "Connection/Inspection Fee" is the charge to a user for a new or additional connection to the Town's sewage works system and is charged as a part of the pro rata cost of construction of all local and/or lateral sewer lines adequate to serve the property of the connecting user and for the cost of inspecting said connection to the sewage works. The Connection/Inspection Fee shall be as follows:

<u>Residential User</u>	<u>All Others Users</u>
\$375	\$785

(iii) "Repair Inspection Fee" is the charge to a user for inspecting a needed repair or replacement of an existing lateral sewer line. The Repair Inspection Fee shall be as follows:

Residential User

All Other Users

\$50

\$100

(b) Payment of the Treatment Availability Fee, the Conveyance System Fee and Connection/Inspection Fee shall be made at the following times:

(i) For new construction, the Treatment Availability Fee, the Conveyance System Fee and Connection/Inspection Fee shall be paid in full before the issuance of a building permit;

(ii) For all new or additional users not qualifying as "new construction" and not qualifying under Section 10(b) of the Ordinance, the Treatment Availability Fee, the Conveyance System Fee and Connection/Inspection Fee shall be paid in full before the new or additional connection is made to the Town's sewage system;

(iii) For all users qualifying under Section 10(b) of the 2003 Ordinance, the Treatment Availability Fee, the Conveyance System Fee and Connection/Inspection Fee shall be paid in accordance with the provisions of Section 10(b) of the 2003 Ordinance and any other provisions of the Original Ordinance applicable thereto;

(iv) For all users repairing or replacing a lateral sewer line, the Repair Inspection Fee shall be paid in full before issuance of a repair permit.

(c) Belleville Residential Units Treatment Availability/Conveyance System/Connection Inspection Fee.

Notwithstanding the foregoing, the owner of any lot, parcel of real estate or building connecting to the Town's sewage works system for Belleville Residential Units after the date of this Ordinance shall, prior to being permitted to make connection, pay a Treatment Availability/Conveyance System/Connection Inspection Fee in the amount of as follows:

Residential User

All Other Users

\$3,000 per EDU

\$3,000 per EDU

Section 11. That the rules and regulations promulgated by the Town, after being approved by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage works system and the User Charges system to the Town Council and that any decision concerning the sewage works system or User Charges of the Town Council may be appealed to the circuit or superior court of the county under the appeal procedures provided for in the Indiana Administrative Orders and Procedures Act.

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.

Section 13. This Ordinance replaces and supersedes Ordinance 17-2003, Ordinance No. 07-2004, Ordinance No. 16-2006 and Ordinance No. 34-2006 and upon adoption and passage of this Ordinance by the Town of Plainfield, Ordinance 17-2003, Ordinance No. 07-2004, Ordinance No. 16-2006 and Ordinance No. 34-2006 shall be specifically repealed.

Section 14. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part 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.

This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on the 9th
day of Nov., 2009.

PLAINFIELD TOWN COUNCIL



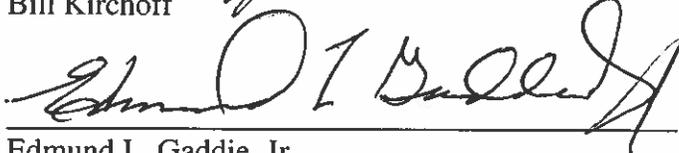
Robin G. Brandgard, President



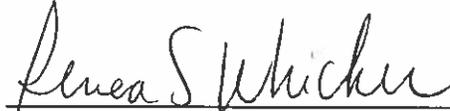
Kent McPhail



Bill Kirchoff



Edmund L. Gaddie, Jr.



Renea Whicker

ATTEST:



Wesley R. Bennett, Clerk-Treasurer