

**TOWN OF WOLCOTTVILLE**

**ORDINANCE 2013-11-05-01**

**AN ORDINANCE MODIFYING CERTAIN RATES AND CHARGES FOR THE USE OF WATER SERVICES FOR THE WATERWORKS SYSTEM OF THE TOWN OF WOLCOTTVILLE, INDIANA, AND REPEALING CERTAIN ORDINANCES INCONSISTENT THEREWITH**

WHEREAS, the Town Council of the Town of Wolcottville, Indiana, as the Department of Waterworks, is duly constituted to provide and maintain a waterworks system inside and outside the Town of Wolcottville, Indiana, and is authorized 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 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, after having a rate study conducted and prepared by the Town's financial advisor, the Town Council of the Town of Wolcottville, Indiana, has determined that it is necessary to amend the current Metered Rates Per Month, Minimum Monthly Charge, Public Fire Protection, Fire Hydrants, Private Fire Protection, Tap-In Charge and Water Meter Deposit schedules of water rates and other charges for the use of the waterworks of said Town to maintain the waterworks in a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the Town Council of the Town of Wolcottville, Indiana, passed Ordinance 2006-07-01, as amended, establishing rates and charges for use of the Town waterworks system and now desires to amend the rates and charges for Metered Rates Per Month, Minimum Monthly Charge, Public Fire Protection, Fire Hydrants, Private Fire Protection, Tap-In Charge and Water Meter Deposit established by said Ordinance 2006-07-01, as amended, to maintain the waterworks on a sound physical and financial condition necessary to render adequate and efficient service; 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 users of the waterworks located outside the Town's corporate boundaries; 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.

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

SECTION I

There shall be and there are hereby established for the availability, use of, and/or service rendered by the waterworks system of the Town of Wolcottville, Indiana, and each person and user of the waterworks and all owners of property served or to be served by the waterworks, shall be charged and shall pay the following rates and charges:

There shall be and there are hereby established for the Metered Rates Per Month charges of the waterworks system of the Town of Wolcottville, Indiana, effective with the consumption/usage month beginning December 1, 2013, the following rates and charges:

Metered Rate Per Month (Per 1,000 Gallons)	New Rates (Per 1,000 Gallons)
First 2,500 Gallons	\$12.25
Next 4,500 Gallons	\$10.84
Next 8,000 Gallons	\$9.42
Next 25,000 Gallons	\$8.01
Next 60,000 Gallons	\$6.54
Over 100,000 Gallons	\$5.11

There shall be and there are hereby established for the Public Fire Protection charges of the waterworks system of the Town of Wolcottville, Indiana, effective with the consumption/usage month beginning December 1, 2013, the following rates and charges:

Public Fire Protection	New Rates (Per 1,000 Gallons)
5/8" Meter	\$12.55
1" Meter	\$17.55
1 1/4" Meter	\$20.00
1 1/2" Meter	\$22.55
2" Meter	\$36.30
3" Meter	\$137.75
4" Meter	\$175.35
6" Meter	\$262.95

There shall be and there are hereby established for the Minimum Monthly Charge\* for the use of the waterworks system of the Town of Wolcottville, Indiana, effective with the consumption/usage month beginning December 1, 2013, the following rates and charges:

Minimum Monthly Charge	Gallons Allowed	New Rates (Per Month)
5/8" - 3/4" Meter	2,500	\$30.65
1" Meter	6,250	\$76.55
1 1/4" Meter	10,000	\$122.50
1 1/2" Meter	12,500	\$153.15
2" Meter	20,000	\$245.00
3" Meter	37,500	\$459.40
4" Meter	62,500	\$765.65
6" Meter	125,000	\$1,531.30

\*Does not include Public Fire Protection Charges which is an additional charge.

There shall be and there are hereby established for the Fire Hydrant charges of the waterworks system of the Town of Wolcottville, Indiana, effective with the consumption/usage month beginning December 1, 2013, the following rates and charges:

Fire Hydrants	New Rates (Per Month)
Municipal Hydrants - per hydrant	\$0.00
Private Hydrants - per hydrant	\$556.10

There shall be and there are hereby established for the Private Fire Protection charges of the waterworks system of the Town of Wolcottville, Indiana, effective with the consumption/usage month beginning December 1, 2013, the following rates and charges:

Private Fire Protection	New Rates (Per Month)
2" Fire Line	\$103.45
4" Fire Line	\$498.85
6" Fire Line	\$1,104.45
8" Fire Line	\$1,959.55
10" Fire Line	\$3,064.15

There shall be and there are hereby established for the Tap-In charges of the waterworks system of the Town of Wolcottville, Indiana, effective with the consumption/usage month beginning December 1, 2013, the following rates and charges:

Tap-In Charge	
	New Charge
5/8" - 3/4" Meter	\$182.50

There shall be and there are hereby established for the Water Meter Deposit charges of the waterworks system of the Town of Wolcottville, Indiana, effective with the consumption/usage month beginning December 1, 2013, the following rates and charges:

Water Meter Deposit	
	New Charge
5/8" - 3/4" Meter	\$100.00

## SECTION II

There shall be and there are hereby established for the availability, use of, and/or service rendered by the waterworks system of the Town of Wolcottville, Indiana, and each person and user of the waterworks, owners of property served or to be served by the waterworks shall be charged and shall pay, effective with the consumption/usage month beginning December 1, 2013, the following non-recurring rates and charges:

1. Reconnection Fee. A non-refundable connection fee of \$35.00 per valve shall be paid by any user of the waterworks whenever connection or reconnection is requested by a user. A non-refundable disconnection fee of \$25.00 per valve shall be paid by a user of the waterworks whenever disconnection is required for any reason beyond the control of the Department of Water Works. Nonpayment of invoices or bills for water consumption is one example of a reason beyond the control of the Department of Water Works. When reconnection due to nonpayment is necessary, or any other reason set forth in Ordinance 2013-08-06-01, all past due invoices and bills must be fully paid in addition to the reconnection fee.

2. Deposit Charge. New waterworks users, prior to connection to the Town waterworks system, must pay a \$100.00 deposit as set forth above. The deposit described above shall be kept by the Department of Waterworks in a fund separate from all other funds. Said deposit shall be returned to the user upon payment in full of the final bill or invoice for water consumption provided or as earlier determined by the department of Water Works. If the final bill or invoice is not paid as required, the deposit shall be applied toward such amount due. Any balance of the deposit remaining shall be returned to the user. Deposits shall not accrue interest.

3. Collection Charge and Sales Tax. All bills or invoices for consumption of water or water service not paid by the fifteenth (15<sup>th</sup>) day following the date on which it is due shall be subject to a collection or deferred payment charge of 10% of the first \$3.00 and 3% on the excess over \$3.00. Sales tax to be added to all water billed at the applicable rate.

### SECTION III

Multiple billing units. In the case of apartment houses, multiple dwelling units, mobile home courts, or business houses occupied by more than one business, each apartment, dwelling unit, mobile home, and business division shall be considered a separate unit for billing purposes. Where the physical structure is such that it would be economically prohibitive to meter each unit separately, and more than one unit is metered by a single meter, then the amount of the water bill shall be computed as follows:

1. The minimum charge will be the current minimum rate as established in the latest applicable rate schedule of the Town Water Rate Ordinance multiplied by the number of units.
2. The charge shall be calculated on the basis of the total gallons used at the current rate set forth in the latest applicable rate schedule of the Town Water Rate Ordinance, but in no case shall the charge be less than the minimum as defined in the Minimum Monthly Charge section of SECTION I herein.
3. In all cases of multiple billing units with one master meter, the water charges shall be billed to the owner(s) of the property service and the owner(s) shall be responsible for the payment thereof.

### SECTION IV

Unless authorized by the Town Council or the waterworks superintendent, no person shall open any of the fire hydrants of the waterworks system or take water therefrom for the purposes of filling a swimming pool or other bulk use, except members of an authorized fire department which uses said water solely in the line of duty to fight fire and for fire protection services. All authorized water taken from a fire hydrant of the waterworks system, including by an authorized fire department for the purposes of fighting fire and for fire protection services, shall be charged at the regular metered rates. Each authorized fire department shall be charged with reporting to the Town by the last date of each month the amount of water taken for purposes of billing by the Town and all other authorized users shall pay at the time of authorized use.

### SECTION V

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. The rates and charges established for any

class of user or property shall cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

SECTION VI

All parts of Ordinance 2006-07-01, as amended, in conflict herewith, are hereby repealed.

SECTION VII

No part of this Ordinance shall be interpreted to conflict with federal, state, or local laws, 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 VIII

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 IX

This Ordinance shall become effective upon promulgation according to law.

Ayes: 3

Nays: 0

Abstentions: 0

Adopted and Ordained this 5<sup>th</sup> day of November, 2013.

TOWN COUNCIL OF THE TOWN  
OF WOLCOTTVILLE, INDIANA

Dean Domer  
Dean Domer, President

Matt Jordan  
Matt Jordan, Vice President

Greg Ringler  
Greg Ringler, Member

ATTEST:

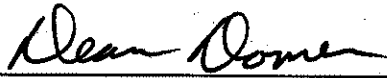
Jeanette Combs  
Jeanette Combs, Clerk-Treasurer

67330

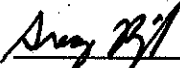
**WAIVER OF SECOND READING**

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived and the Ordinance was deemed effective as of the date of passage.

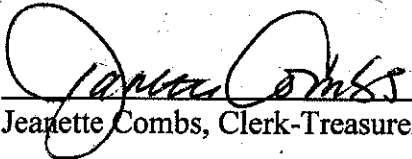
TOWN COUNCIL OF THE TOWN  
OF WOLCOTTVILLE, INDIANA

  
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Dean Domer, President

  
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Matt Jordan, Vice President

  
\_\_\_\_\_  
Greg Ringler, Member

ATTEST:

  
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Jeanette Combs, Clerk-Treasurer

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