

**ORDINANCE 2015-17**

**COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA**

**AN ORDINANCE AMENDING ORDINANCE NOS. 05-09 and 2010-07 ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE CITY OF LEBANON, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE/WASTEWATER WORKS OF SAID CITY**

**WHEREAS**, the City of Lebanon, Indiana (the “City”) and the Lebanon Utility Service Board (the “Utilities”) has heretofore constructed and has in operation a sewage/waste water works system for the purpose of collecting and disposing of the sewage of the City in a sanitary manner; and

**WHEREAS**, an examination of the existing schedule of rates and charges heretofore fixed by ordinances of the City has revealed that the City is not collecting sufficient charges from users of the City’s sewage/wastewater works system to pay costs of construction and other expenses incurred by the City to provide for the collection and disposal of the sewage; and

**WHEREAS**, the City would alter the “PILOT” payments made to the City as follows:

**NOW, THEREFORE, BE IT RESOLVED** that the Lebanon Utility Service Board recommends to the Common Council of the City of Lebanon, Indiana, that the Utility’s annual operating revenues from sewer/wastewater rates and charges be increased by thirty-two percent ( 32% ) which would include no reduction in the Wastewater Utility’s Payment In Lieu of Taxes (“PILOT”) to the City (City Resolution 2010-07); constituting a rate increase amendment to Section 2 of Ordinance 05-09 reflecting the percentage increase to the monthly user rates; or

**WHEREAS**, it is deemed necessary to amend Ordinance Nos. 05-09 and 2010-07 as provided herein.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Lebanon, Indiana, the governing body of said municipality as follows:

**Section 1.**

a) No connection to the City’s sewage works system shall be allowed until a permit is obtained and payment of Availability Fees and Connection/Inspection Fees have been made to the City, or if applicable, payments have been arranged in accordance with Section 2(b) of this Ordinance.

1) “Availability Fee” is the charge to a user for a new connection to or additional waste water discharge from an existing connection to the City’s sewage works system and is charged a pro rata cost of construction of all interceptor sewer lines and appurtenances to serve the property of the connecting user and is charged in return for the City making available to such user the City’s sewage treatment system consisting of all facilities and operations necessary to treat sewage of such user. The amount of the Availability Fee shall be as follows:

<u>Residential User</u>	<u>All Other Users</u>
\$1,700 per EDU	\$1,700 per EDU

Equivalent dwelling unit (EDU) is defined as the average use of 9,300 gallons of waste water per month over one calendar year. EDU determinations for waste water dischargers other than single family dwellings shall be determined in accordance with 327 IAC Article 3.

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 City under a written agreement with the City may be credited against the Availability Fee. The decision to allow such credit and the amount of the credit shall be made solely at the discretion of the City.

2) “Connection/Inspection Fee” is the charge to a user for a new or additional connection to the City’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 Other Users</u>
\$50	\$100

3) “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:

<u>Residential User</u>	<u>All Other Users</u>
\$50	\$100

b) Payment of the Availability Fee and the Connection/Inspection Fee shall be made at the following times:

- (1) For new construction connections or additional waste water discharge from existing sewage connections requiring plat or plan approval, the Availability Fee shall be paid in full at the time of signing the record plat or detail plan approval, or conditional use approval. The entire Connection/Inspection Fee shall be paid before the issuance of a building permit;
- (2) For all existing sewage connections with additional wastewater usage not requiring plat or plan approval, the Availability Fee and the Connection/Inspection Fee shall be paid in full before the additional discharge is made to the City's sewage system;
- (3) For all users repairing or replacing a lateral sewer line or existing water connections with no additional wastewater discharge, the Repair Inspection Fee shall be paid in full before issuance of a repair permit.

**Section 2.**

<u>Monthly Base Charge</u>	<u>Rate Per Month</u>
5/8 – 3/4 inch meter	\$16.65
1 inch meter	\$29.11
1 1/4 inch meter	\$41.55
1 1/2 inch meter	\$55.41
2 inch meter	\$91.44
3 inch meter	\$193.93
4 inch meter	\$332.46
6 inch meter	\$748.02
8 inch meter	\$1,357.42

**Section 3.** For the use of and the services rendered by the 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 City's sanitary sewer system or otherwise discharged as sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewer system of the City of Lebanon. Such rates and charges include operations and maintenance, user charges, debt 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. The water meters shall be read monthly and the users shall be billed monthly. The water usage schedule on which the amount of said rates and charges shall be determined by the addition of the base charge for the month and the treatment flow rate per month as follows:

Treatment Flow Rate (In addition to the base charge)

Per 100 Cu. Ft./Month

All Customers

\$5.64

- (b) For users of the sewage works that are unmetered waters users or where accurate meter readings are not available, the monthly charge shall be estimated and determined by means and methods satisfactory to the City. Unmetered non “residential single family dwelling units” shall be charged a rate to be determined by the City on an individual basis by applying the above metered rates to the estimated usage and meter size.
- (c) Where a metered water supply is used for fire protection as well as for other uses, the City may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.
- (d) For the service rendered to the City of Lebanon, said City shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (e) In order to recover the cost of monitoring industrial wastes, the City shall charge the user the actual cost of analysis as incurred by the City.
- (f) In the event two (2) or more residential lots, parcels of real estate, or building discharging sanitary sewage, water or other liquids into the City’s sewage system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case for billing purposes, the base charge per month of the sewage rates and charges shall be multiplied by the number of residential lots, parcels of real estate, or buildings served through the single water meter and added to treatment flow charge determined by the treatment flow rate as applied to the monthly metered flow.
- (g) The user charges, fees, and debt service charges set forth in the rate structure hereinbefore set forth shall be changed, as necessary, by the Common Council.

**Section 4.** The rates, charges and fees set forth in this Ordinance shall be reviewed every calendar year for continued applicability and financial necessity.

**Section 5.** 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 6.** The provisions of this Ordinance shall take effect on January 1, 2016.

This Ordinance shall be in full force and effect upon its adoption, effective date and any publication required by law.

All of which is CONSIDERED, APPROVED AND ADOPTED by the Common Council of the City of Lebanon, Indiana, this 23rd day of November, 2015

COMMON COUNCIL OF THE CITY OF  
LEBANON, INDIANA

Keith Campbell  
Keith Campbell

John Copeland  
John Copeland

Lana M. Kruse  
Lana M. Kruse

ABSENT  
Mike Kincaid

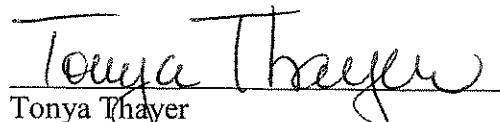
Jeremy Lamar  
Jeremy Lamar

ABSENT  
Steve Large


ABSENT  
Preston L. Myers

Attest: Tonya Thayer  
Tonya Thayer  
Clerk/Treasurer

Presented by me to the Mayor of the City of Lebanon, Indiana, on the 23<sup>rd</sup> day of  
November, 2015

  
Tonya Thayer  
Clerk/Treasurer

EXAMINED, APPROVED AND SIGNED by me on this 23<sup>rd</sup> day of November, 2015.

  
Harold "Huck" Lewis, Mayor