

Works Association and the Water Pollution Control Federation.

- (c) Revision of Rates of Surcharge. Prior to May 1 of each year, the Utility Service Board shall have prepared a comparison of the calculated unit costs for removing TBOD and suspended solids and ammonia nitrogen from the water treatment plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed by the Common Council.

Section 6. Sewage charges for sewerage service shall be prepared, and billed by the City along with the bills for water service and shall be payable at the same time as the water bills.

(a) The rates and charges may be billed to the tenant or tenants occupying the property 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 property served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City 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 City in its discretion and be printed on the bill.

Section 7.

- (a) Delinquent Accounts, How Delinquencies Arise.

Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due date shown on the bills. Any service charge not paid by the due date (approximately fifteen (15) days after the bill rendered) shall be considered delinquent. Such delinquent charge together with any applied penalties shall be collectible as hereinafter set forth.

(b) Collection Through the Tax Duplicate. As provided by the statutes of the State of Indiana, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and to the Recorder of the county. In such case, the delinquent service charges, together with the mandatory penalty of ten percent (10%), shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

(c) Collection Through Court Actions. In addition to the foregoing remedies, the City shall have the right to bring a civil action to recover any delinquent charges, together with a penalty of ten percent (10%) and a reasonable attorney's fee. It shall also have the right, as provided by the statutes of the State of Indiana, to foreclose any lien established under the provisions of this ordinance with recovery of the charge, a penalty of ten percent (10%) and a reasonable attorney's fee as provided by Indiana law.

Section 8. 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 City 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 City, 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 City shall determine to be best under the circumstances.

Section 9. The City shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the City'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 sewage system, and for the regulation, collection, rebating and refunding of such charges and rate. No free service shall be provided to any user of the waste-water treatment facility.

The City is hereby authorized to prohibit dumping of wastes into the city's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the City, 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 10. 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 11. No statement or language in this ordinance shall be construed in any manner to conflict with any applicable statute.

Section 12. The Council 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.

Sections 13. (See Insert On Next Page For Amendment)