

**ORDINANCE NO. 2022-23**

**AN ORDINANCE AMENDING ORDINANCE NOS. 2015-7; 2010-07; 05-09; 04-10; 03-11;  
AND 1991-SEW-5 ESTABLISHING A SCHEDULE OF NON-RECURRING RATES  
AND CHARGES COLLECTED FOR THE USE OF AND SERVICES PROVIDED BY  
THE WASTEWATER WORKS UTILITY OF THE CITY OF LEBANON**

WHEREAS, the City of Lebanon, Indiana (“City”) owns and operates through its Utility Service Board (“Board”) a wastewater utility known as Lebanon Utilities (the “Utility”) for the purpose of providing safe, reliable and efficient disposal of wastewater in and around the City pursuant to Ind. Code §36-9-23 et. seq., as amended, and other applicable provisions of Indiana Law (collectively, the “Act”);

WHEREAS, Common Council for the City of Lebanon (“City Council”), based upon recommendations from the Board periodically evaluates, changes and readjusts its various fees and charges to collect sufficient revenue in order to pay all the expenses incident to the operation and maintenance of the Utility, including, but not limited to improving the system for existing rate payers; and planning, budgeting, and expanding the facilities in order to serve new customers;

WHEREAS, the Board, based in part upon the advice of its financial advisor, Baker Tilly Municipal Advisors, LLC (“Baker Tilly”), has adopted Resolution 2022-03 recommending to the City Council various adjustments to the non-recurring fees and charges;

WHEREAS, the City Council has caused notice of a public hearing set forth hearing on the charges set forth herein to be duly advertised, posted and mailed and has held a public hearing thereon; and

WHEREAS, the City Council finds that the proposed modifications to the City’s existing non-recurring fees and charges should be enacted.

NOW, THEREFORE, BE IT ORDANINED, by the Common Council of the City of Lebanon, Indiana, that the non-recurring fees and charges be modified and therefore Ordinance Nos. 2015-7; 2010-07; 05-09; 04-10; 03-11; and 1991-SEW-5 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, Connection/Inspection Fees, and Connection/Inspection With Sewer Main Tie In 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. The charge to a user for a new connection to or additional wastewater 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:

<b><u>Residential User</u></b>	\$4,800.00 per EDU
<b><u>All Other Users</u></b>	\$4,800.00 per EDU

An Equivalent Dwelling Unit (EDU) represents the volume of wastewater flows from a single-family dwelling over one calendar year. One Wastewater EDU is equal to 310 gallons per day. The estimated flows for all users other than single-family dwellings shall be calculated in accordance with 327 IAC Article 3 and equated to EDUs by dividing the estimated daily flows by 310 gallons per day; this includes new connections to or additional wastewater usage from an existing connection to the wastewater system. In determining EDUs for all rates and charges of the City where EDUs form the basis of an applicable charge, including but not limited to sewer availability fees, all other parcels of land not used for single residential dwelling units shall be converted to EDUs on the basis of the anticipated sewage usage from such real estate as compared to the anticipated sewage usage for residential dwelling units. The Director of wastewater works of the City (or designee) may consider the flow calculation factors published by the Indiana Department of Environmental Management, 327 IAC 3-6-11, or any other factors determined to be relevant, in determining EDUs for new or expanded usage or capacity. If there are no appropriate estimated flow factors listed in 327 IAC Article 3,

the Utility, in its discretion, shall determine the estimated flows based upon good engineering judgment and reasonable information. The Director of the wastewater works may adopt additional guidance and policies concerning the calculation of EDUs consistent with this Ordinance. For no reason shall any structures connecting to the wastewater system be considered less than one (1) EDU for purposes of calculating rates and charges. When calculations of EDUs result in a fraction of an EDU, the result shall be rounded up to the next whole number (Example: an EDU calculation of 9.3 shall be rounded up to 10 EDUs).

The cost of distribution 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, subject to all applicable statutes and ordinances. The decision to enter into such agreement and allow such credit and the amount of the credit shall be made solely at the discretion of the City.

2) Connection/Inspection Fee. 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 (per trip) shall be as follows:

<b><u>Residential User</u></b>	\$55.00
<b><u>All Other Users</u></b>	\$100.00

3) Connection/Inspection With Sewer Main Tie In Fee. The charge to a user for the cost of inspecting a new or additional connection to the wastewater system main. The Connection/Inspection With Sewer Main Tie In Fee (per trip) shall be as follows:

<b><u>Non-Residential User</u></b>	\$165.00
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(b) Payment of the Availability Fee, the Connection/Inspection Fee, and Connection/Inspection With Sewer Main Tie In Fee shall be made at the following times:

(1) Subject to City approval, for new construction connections or additional wastewater usage from existing wastewater connections unless written prepayment

arrangements have been made with the City, the Availability Fee shall be paid at the time of the City signing the to be recorded plat or detail plan approval, or conditional use approval. The entire Connection/Inspection Fee and Connection/Inspection With Sewer Main Tie In 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, Connection/Inspection Fee, and the Connection/Inspection With Sewer Main Tie In Fee shall be paid in full before the additional discharge is made to the City’s sewage system.

(3) For all existing sewage connections with additional wastewater usage not requiring plat or plan approval, the Availability Fee the Connection/Inspection Fee, and the Connection/Inspection Fee With Sewer Main Tie In shall be paid in full before the additional discharge is made to the City’s sewage system.

(4) For all users repairing or replacing a lateral sewer line or existing wastewater connections with no additional wastewater discharge, the applicable Fee shall be paid in full before issuance of a permit.

**Section 2.**

<b><u>Monthly Base Charge</u></b>	<b><u>Rate Per Month</u></b>
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. 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)

All Customers

**Per 100 Cu. Ft./Month**

\$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 subject to any other Ordinances.

(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 5.** Other Non-Recurring Fees and Charges.

(a) Late Fee. A customer who has not paid all charges on an account on or before the due date stated on the bill, shall be assessed a late payment charge of ten percent (10%) on any outstanding balance.

(b) Returned Check Charge. If a check, draft, order or like instrument tendered to the City is dishonored or returned unpaid for any reason, the customer may be charged an amount not to exceed Thirty Dollars (\$30.00). The charge shall not be considered an interest charge, a finance charge, a time-price differential, or any charge of a similar nature.

(c) Wastewater Deposit. Any individual, partnership, association, business, or corporation renting real property or improvements and desirous of service from the City's wastewater utility, hereinafter customer, renter, or depositor, shall make application and pay a wastewater deposit of a minimum of an estimated average of two (2) months wastewater service to the subject property. The City shall have the right to request proof of the customer's interest in the property served by the wastewater utility by presentation of a copy of deed, contract, lease, or agreement, and to request that the meter deposit be made and held in the customer's name. wastewater deposits shall be held by the Utility in the customer's name(s) until returned or applied to the customer account consistent with Utility Policy. If a deposit is being held upon discontinuance of service, the City shall apply all or any part of the customer's wastewater deposit to payment of any outstanding wastewater charges, including any delinquencies, with the renter's or purchaser's meter deposit being first applied to the payment of wastewater charges followed by the owner's meter deposit. The remaining balance of wastewater deposit shall be refunded to the depositor. The depositor shall be responsible for providing the City with a proper forwarding address.

(d) System Tampering Charge. Any damage resulting from unauthorized use or tampering with the wastewater utility system (including meters) will result in a charge for the cost

of repair (actual labor, materials, vehicle(s) and equipment) and the estimated wastewater usage at the applicable rate, subject to the below minimum charge.

**Residential Customers** \$100.00

**All Other Customers** \$500.00

(e) **Septic Hauling Fee.** Septic Hauling for customers shall be charged at the rate of \$3.70 per 1,000 gallons of wastewater.

(f) **Service Trip Fee.** A per trip charge for each service call to the customer site as follows:

**Residential User** \$45.00

**All Other Users** \$130.00

(g) **After Hours Fee.** Service fee in addition to any other fees are charged per hour outside of the normal operating hours (includes weekend and holidays) of the Utility, as may be established from time to time, at the below rate with a one hour minimum:

**After Hours Rate** \$40/hour

**Section 6.** The rates, charges and fees set forth in this Ordinance shall be reviewed every calendar year for continued applicability and financial necessity. There is a zero percent difference in the rates and charges between property located outside the corporate boundaries of the City as compared to property located within the corporate boundaries of the City.

**Section 7.** Any portion of the other Ordinances in conflict with a provision in this Ordinance is hereby superseded to the extent inconsistent herewith. The provisions, rates, and charges of the is Ordinance are severable. In the event any one or more of the provisions contained in this Ordinance should be invalid or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and/or the prior Ordinances of the City, shall not in any way be affected or impaired and shall remain in full force and effect. Furthermore, to the extent a rate, charge or provisions in this Ordinance is declared invalid, the higher of the valid charge or the original charge or fee previously established by the City shall be effective and/or retroactive as though unaltered. 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 8.** 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

*[Signatures, Voting Designation. Mayoral Approval Page to Follow]*



**Voting For**

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
Brent Wheat

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Dick Robertson

**Voting Against**

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
Brent Wheat

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Dick Robertson

**Abstain**

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
Brent Wheat

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Dick Robertson

**ATTEST:**

\_\_\_\_\_  
Clerk-Treasurer, Tonya Thayer

I hereby certify that Ordinance 2022-23 was delivered to the Mayor of Lebanon on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ : \_\_\_\_\_ m

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-23  
this \_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2022-23  
this \_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Matthew T. Gentry, Mayor