

See Res. 2022-02 L.U.

**ORDINANCE NO. 2022-12**

**ORDINANCE AMENDING ORDINANCE NO. 2018-06**

WHEREAS, the City of Lebanon, Indiana (the "City") owns and operates its own water works system for the purpose of providing a sufficient supply of potable water at the proper pressure for the City in a safe and sanitary manner; and

WHEREAS, on March 15, 2022, the Indiana General Assembly passed House Bill 1002, effective July 1, 2022, which is codified, in part, at Ind. Code § 8.1.2-4.2 ("HB 1002"); and

WHEREAS, HB 1002 provides that all Utility Receipts Tax and Utility Services Use Tax (Ind. Code § 6-2.3, before its repeal) shall be repealed; and

WHEREAS, a rate adjustment (operating on a prospective basis) is required by HB 1002 and as has been recommended to the City Council by the Lebanon Utility Service Board through passage of its Resolution 2022-02; and

WHEREAS, a rate adjustment is subject to the Common Council for the City of Lebanon ("City Council") approval; and

WHEREAS, the City Council previously passed Ordinance No. 2018-06 adopting a new schedule of water rates and charges for the City of Lebanon; and

WHEREAS, pursuant to HB 1002, the City Council has determined that Ordinance No. 2018-06 shall be amended to include a revised rate schedule, attached hereto as **Exhibit A**, as required by Ind. Code § 8-1-2-4.2(b), which shall be effective July 1, 2022.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON:

SECTION 1. The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and determinations of the Council.

SECTION 2. Ordinance No. 2018-06 is hereby amended.

SECTION 3. The provisions of this Ordinance shall take effect on July 1, 2022.

This Ordinance shall be in full force and effect from and after its passage and any publication required by law.

PASSED AND ADOPTED by the Common City Council of the City of Lebanon Indiana, this 9th day of ~~April~~, 2022.

MAY

COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA

**Voting For**

**Voting Against**

**Abstain**

Sierra Messenger

Sierra Messenger

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

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

John Copeland

John Copeland

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

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

ABSENT

Brent Wheat

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

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

Mike Kincaid

Mike Kincaid

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

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

Keith Campbell

Keith Campbell

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

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

Morris Jones

Morris Jones

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

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

Dick Robertson

Dick Robertson

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

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

ATTEST:

Tonya Thayer  
Clerk-Treasurer, Tonya Thayer

I hereby certify that Ordinance 2022-12 was delivered to the Mayor of Lebanon on the 9  
day of ~~April~~, 2022, at 7 : 32 pm

MAY  
Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-12  
this 9 day of ~~April~~, 2022

MAY  
[Signature]  
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2022-12  
this \_\_\_ day of April, 2022

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

**EXHIBIT A**

City of Lebanon, Indiana

Schedule of Water Rates and Charges (8" Meter) Collected by the City of Lebanon, Indiana  
From the Owners of Property Served by the Water Works of Said City

July 1, 2022

**Section 1.**

(a) There shall be and there are hereby established for the use of and services rendered by the water works system of the City of Lebanon, the following rates and charges, based upon the amount of water supplied during each monthly billing period:

<u>Consumption Per Month</u>			<u>Rate Per 100 Cubic Feet</u>				
			<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
First	500	Cubic Feet	\$5.35	\$5.87	\$6.45	\$7.09	\$7.47
Next	1,000	Cubic Feet	4.76	5.23	5.75	6.32	6.66
Next	2,000	Cubic Feet	4.10	4.50	4.95	5.44	5.73
Next	4,000	Cubic Feet	3.45	3.79	4.17	4.58	4.83
Next	8,000	Cubic Feet	2.68	2.94	3.23	3.55	3.74
Over	15,500	Cubic Feet	2.13	2.34	2.57	2.82	2.97

Each user shall pay a minimum monthly charge in accordance with the size of the meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<u>Minimum Charge Meter Size</u>	<u>Cubic Ft. Allowed</u>	<u>Rate Per Month</u>				
		<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
5/8 – 3/4 inch meter	300	\$16.05	\$17.61	\$19.35	\$21.27	\$22.41
1 inch meter	614	32.18	35.31	38.81	42.65	44.94
1 ¼ inch meter	1,285	64.12	70.41	77.39	85.06	89.63
1 ½ inch meter	1,776	85.67	94.07	103.41	113.66	119.76
2 inch meter	2,825	128.68	141.28	155.34	170.73	179.87
3 inch meter	6,422	257.16	282.39	310.60	341.28	359.68
4 inch meter	12,478	427.76	469.60	516.34	567.37	597.93
6 inch meter	31,764	855.17	939.03	1,031.93	1,133.29	1,193.99
8 inch meter	50,822	1,261.11	1,384.98	1,521.73	1,670.73	1,760.01
		<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>

**Public/Private Fire Protection**

Hydrant Rental – each per annum \$546.47    \$600.02    \$659.42    \$724.70    \$763.83

**Automatic Sprinklers as Follows:**

<u>Connection Size</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
5/8 inch meter	\$6.99	\$7.68	\$8.44	\$9.28	\$9.78
3/4 inch meter	10.00	10.98	12.07	13.26	13.98
1 inch meter	17.94	19.70	21.65	23.79	25.07
1 ¼ inch meter	27.91	30.65	33.68	37.01	39.01
1 ½ inch meter	40.22	44.16	48.53	53.33	56.21
2 inch meter	71.48	78.49	86.26	94.80	99.92
3 inch meter	160.78	176.54	194.02	213.23	224.74
4 inch meter	285.87	313.89	344.97	379.12	399.59
6 inch meter	643.20	706.23	776.15	852.99	899.05
8 inch meter	1,143.46	1,255.52	1,379.82	1,516.42	1,598.31
10 inch meter	1,786.67	1,961.76	2,155.97	2,369.41	2,497.36
12 inch meter	2,572.72	2,824.85	3,104.51	3,411.86	3,596.10

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

(1) "Availability Fee" is the charge to a user for a new connection to or additional water usage from an existing connection to the City's water works system and is charged as a pro rata cost of construction of all water distribution mains 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 water supply system consisting of all facilities and operations necessary to provide potable water to such user. The amount of the Availability Fee shall be as follows:

Residential User

\$2,000 per EDU

All Other Users

\$2,000 per EDU

Equivalent dwelling unit (EDU) is defined as the average use of a single-family dwelling over one calendar year. EDU determinations for water users other than single family dwellings shall be determined in accordance with 327 IAC Article 8.

Where a project charge or recoupment agreement charge has been established prior to the date of the Ordinance, the project charge or recoupment agreement charge shall apply. The cost of distribution systems constructed after the date of the 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 Fee" is the charge to a user for a new or additional connection to the City's water works system and is charged the actual cost of construction of all local and/or water service lines adequate to serve the property of the connecting user. The Connection Fee shall be dependent on the water meter size and shall include the actual cost of the meter and supplies required for said connection.

(3) "Inspection Fee" is the charge to a user for a new or additional connection to the City's water works system for the cost of inspecting said connection to the water works. The Inspection Fee shall be as follows:

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

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

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

(c) Payment of the Availability Fee, the Connection Fee, and the Inspection Fee shall be made at the following times:

(1) For new construction connections or additional water usage from existing water connections requiring plat or plan approval, one-half of the Availability Fee or \$1,000 per EDU shall be paid at the time of signing the record plat or detail plan approval, or conditional use approval. The remaining one-half of the Availability Fee or \$1,000 per EDU, the entire Connection Fee, and the entire Inspection Fee shall be paid before the issuance of a building permit;

(2) For all existing connections with additional water usage not requiring plat or plan approval, the Availability Fee, the Connection Fee, and the Inspection Fee shall be paid in full before the additional usage is provided for by the City's water system;

(3) For all users repairing or replacing a water service line or existing water connections with no additional water usage, the Repair Inspection Fee shall be paid in full before issuance for a repair permit.

## **Section 2.**

The rates, charges and fees set forth in the 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 3.**

The invalidity of any section, clause, sentence or provision of the Ordinance shall not affect the validity of any other part of the Ordinance, which can be given effect without such invalid part or parts.

**Section 4.**

The provisions of the Ordinance should become effective on the next utility customer billing cycle following the adoption by the City Council, and any publication required by law.



Ord. 2022-12 City of  
LEB

**RESOLUTION NO. 2022-02**

**A RESOLUTION RECOMMENDING APPROVAL OF A  
SCHEDULE OF RATES AND CHARGES BY THE  
CITY OF LEBANON MUNICIPAL WATER UTILITY**

WHEREAS, the City of Lebanon, Indiana ("City") and the Lebanon Utility Service Board ("Board") operates a water works system for the purpose of providing a safe, reliable and efficient potable water for the City;

WHEREAS, on March 15, 2022, the Indiana General Assembly passed House Bill 1002, effective July 1, 2022, which is codified, in part, at Ind. Code §8-1-2-4.2 ("HB 1002");

WHEREAS, HB 1002 provides that all Utility Receipts Tax and Utility Services Use Tax (Ind. Code §6-2.3, before its repeal) shall be repealed; and

WHEREAS, a rate adjustment (operating on a prospective basis) is required by HB 1002; and

WHEREAS, a rate adjustment is subject to the Common Council for the City of Lebanon ("City Council") approval; and

WHEREAS, based on the foregoing, the Board recommends to the Common Council that it adopt an Ordinance approving this Resolution in accordance with HB 1002, amending Ordinance 2018-06.

NOW, THEREFORE, BE IT RESOLVED, that the Lebanon Utility Service Board recommends to the Common Council of the City of Lebanon the following proposed schedule of water rate and charges to become effective on the next full customer billing cycle following City Council approval or July 1<sup>st</sup> 2022, whichever is later.

**Section 1.**

(a) There shall be and there are hereby established for the use of and services rendered by the water works system of the City of Lebanon, the following rates and charges, based upon the amount of water supplied during each monthly billing period:

<u>Consumption Per Month</u>			<u>Rate Per 100 Cubic Feet</u>				
			<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
First	500	Cubic Feet	\$5.35	\$5.87	\$6.45	\$7.09	\$7.47
Next	1,000	Cubic Feet	4.76	5.23	5.75	6.32	6.66
Next	2,000	Cubic Feet	4.10	4.50	4.95	5.44	5.73
Next	4,000	Cubic Feet	3.45	3.79	4.17	4.58	4.83
Next	8,000	Cubic Feet	2.68	2.94	3.23	3.55	3.74
Over	15,500	Cubic Feet	2.13	2.34	2.57	2.82	2.97

Each user shall pay a minimum monthly charge in accordance with the size of the meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<u>Minimum Charge</u> <u>Meter Size</u>	<u>Cubic Ft.</u> <u>Allowed</u>	<u>Rate Per Month</u>				
		<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
5/8 – 3/4 inch meter	300	\$16.05	\$17.61	\$19.35	\$21.27	\$22.41
1 inch meter	614	32.18	35.31	38.81	42.65	44.94
1 ¼ inch meter	1,285	64.12	70.41	77.39	85.06	89.63
1 ½ inch meter	1,776	85.67	94.07	103.41	113.66	119.76
2 inch meter	2,825	128.68	141.28	155.34	170.73	179.87
3 inch meter	6,422	257.16	282.39	310.60	341.28	359.68
4 inch meter	12,478	427.76	469.60	516.34	567.37	597.93
6 inch meter	31,764	855.17	939.03	1,031.93	1,133.29	1,193.99
8 inch meter	50,822	1,261.11	1,384.98	1,521.73	1,670.73	1,760.01

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<b><u>Public/Private Fire Protection</u></b>					
Hydrant Rental – each per annum	\$546.47	\$600.02	\$659.42	\$724.70	\$763.83

**Automatic Sprinklers as Follows:**

<u>Connection Size</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
5/8 inch meter	\$6.99	\$7.68	\$8.44	\$9.28	\$9.78
3/4 inch meter	10.00	10.98	12.07	13.26	13.98
1 inch meter	17.94	19.70	21.65	23.79	25.07
1 ¼ inch meter	27.91	30.65	33.68	37.01	39.01
1 ½ inch meter	40.22	44.16	48.53	53.33	56.21
2 inch meter	71.48	78.49	86.26	94.80	99.92
3 inch meter	160.78	176.54	194.02	213.23	224.74
4 inch meter	285.87	313.89	344.97	379.12	399.59
6 inch meter	643.20	706.23	776.15	852.99	899.05
8 inch meter	1,143.46	1,255.52	1,379.82	1,516.42	1,598.31
10 inch meter	1,786.67	1,961.76	2,155.97	2,369.41	2,497.36
12 inch meter	2,572.72	2,824.85	3,104.51	3,411.86	3,596.10

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

(1) “Availability Fee” is the charge to a user for a new connection to or additional water usage from an existing connection to the City’s water works system and is charged as a pro rata cost of construction of all water distribution mains 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 water supply system consisting of all facilities and operations necessary to provide potable water to such user. The amount of the Availability Fee shall be as follows:

<u>Residential User</u>	<u>All Other Users</u>
\$2,000 per EDU	\$2,000 per EDU

Equivalent dwelling unit (EDU) is defined as the average use of a single-family dwelling over one calendar year. EDU determinations for water users other than single family dwellings shall be determined in accordance with 327 IAC Article 8.

Where a project charge or recoupment agreement charge has been established prior to the date of the Ordinance, the project charge or recoupment agreement charge shall apply. The cost of distribution systems constructed after the date of the 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 Fee" is the charge to a user for a new or additional connection to the City's water works system and is charged the actual cost of construction of all local and/or water service lines adequate to serve the property of the connecting user. The Connection Fee shall be dependent on the water meter size and shall include the actual cost of the meter and supplies required for said connection.

(3) "Inspection Fee" is the charge to a user for a new or additional connection to the City's water works system for the cost of inspecting said connection to the water works. The Inspection Fee shall be as follows:

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

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

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

(c) Payment of the Availability Fee, the Connection Fee, and the Inspection Fee shall be made at the following times:

(1) For new construction connections or additional water usage from existing water connections requiring plat or plan approval, one-half of the Availability Fee or \$1,000 per EDU shall be paid at the time of signing the record plat or detail plan approval, or conditional use approval. The remaining one-half of the Availability Fee or \$1,000 per EDU, the entire Connection Fee, and the entire Inspection Fee shall be paid before the issuance of a building permit;

(2) For all existing connections with additional water usage not requiring plat or plan approval, the Availability Fee, the Connection Fee, and the Inspection Fee shall be paid in full before the additional usage is provided for by the City's water system;

(3) For all users repairing or replacing a water service line or existing water connections with no additional water usage, the Repair Inspection Fee shall be paid in full before issuance for a repair permit.

## Section 2.

The rates, charges and fees set forth in the 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 3.**

The invalidity of any section, clause, sentence or provision of the Ordinance shall not affect the validity of any other part of the Ordinance, which can be given effect without such invalid part or parts.

**Section 4.**

The provisions of the Ordinance should become effective on the next utility customer billing cycle following the adoption by the City Council, and any publication required by law.

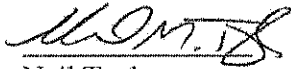
BE IT FURTHER RESOLVED that said recommendation and a copy of this Resolution shall be delivered to the Mayor of the City of Lebanon for distribution and discussion by the Common Council of the City of Lebanon.

Adopted by the City of Lebanon Utility Service Board this \_\_\_ day of April, 2022.

**Voting For**

**Voting Against**

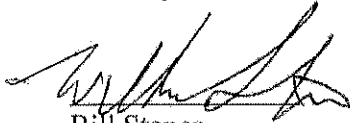
**Abstain**



Neil Taylor

Neil Taylor

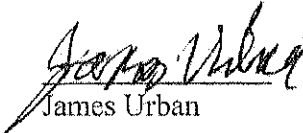
Neil Taylor



Bill Stoner

Bill Stoner

Bill Stoner



James Urban

James Urban

James Urban



Tim Hudson

Tim Hudson

Tim Hudson



Aaron Smith

Aaron Smith

Aaron Smith

ATTEST:

  
Jim Urban, Secretary