

ORDINANCE 8, 2010

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES
TO BE COLLECTED BY THE TOWN OF MOORESVILLE
FROM THE OWNERS OF PROPERTY SERVED BY THE
SANITARY TREATMENT PLANT OF THE TOWN OF MOORESVILLE

WHEREAS, the Town Council of the Civil Town of Mooresville, Indiana operates the wastewater treatment plant on behalf of the citizens of the Town of Mooresville;

WHEREAS, from time to time it becomes necessary to establish and adjust rates and charges to produce sufficient revenue to pay expenses of the maintenance and operation of the wastewater treatment plant and to provide funds for necessary replacements and improvements to the plant;

BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE CIVIL TOWN OF MOORESVILLE THE FOLLOWING:

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Mooresville or any duly authorized officials acting on its behalf.
- (b) "BOD-5" (or Biochemical Oxygen Demand) shall have the same meaning as determined in accordance with the procedures described in the most recent addition of "Standard Methods for the Examination of Water and

Wastewater".

- (c) "Debt service costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- (d) "Excessive strength surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (e) "Industrial wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (f) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (g) "Normal domestic sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 250 mg/l

T.S.S. (total suspended solids) not more than 250 mg/l

as defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from

wastes from industrial processes.

- (h) "Operation and maintenance costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (i) "Other service charges" shall mean tap charges, connection charges, area charges and other identifiable charges, other than user charges, debt service charges and excessive strength surcharges.
- (j) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (k) "Replacement costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage works to maintain the capacity and performance for which such works were designed and constructed.

- (l) "T.S.S." (or total suspended solids) shall have the same meaning as defined in accordance with the procedures described in the most recent addition of "Standard Methods for the Examination of Water and Wastewater".
- (m) "Shall" is mandatory' "may" is permissive.
- (n) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (o) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (p) "Town" shall mean the Town of Mooresville, Indiana acting by and through the Town Council.
- (q) "User Charge" shall mean a charge levied on users of the wastewater treatment plant for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (r) "User class" shall mean the division of wastewater treatment customers by source, function, waste characteristics and process or discharge similarities (i.e. residential, commercial, industrial, institutional and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one (1) or more persons, including all dwelling units, etc.

Special Residential User - shall mean any non-single family residential dwelling unit that is a user of the treatment works.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State or local governmental user of the wastewater treatment works.

Industrial User - shall mean any user whose premises are used primarily for the conduct of a profit oriented enterprise in the field of manufacturing, transportation, communications or utilities, mining,

agriculture, forestry or fishing that discharges or has the potential to discharge industrial waste to a publicly owned treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover from each user and user works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement of the treatment works. User charges shall be uniform in magnitude with a user class.

- (a) Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.
- (b) The various classes of users of the treatment works, for the purposes of this Ordinance, shall be as follows:

- Class I - 1. Residential
- 2. Special Residential
- 3. Commercial
- 4. Governmental
- 5. Institutional
- 6. Industrial

Section 3. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel or real estate or building

that is connected with the industrial wastes, water or other system of the Town of Mooresville. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) Metered Water Users:

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 basic charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

METERED USERS

Monthly Base Charge:

5/8 inch	\$ 16.95
3/4 inch	22.60
1 inch	38.05
1 1/4 inch	59.05
1 1/2 inch	84.35
2 inch	143.35
3 inch	325.95
4 inch	564.70
6 inch	1,281.05
8 inch	2,279.75

Flow Charge (per 1,000 gallons) \$ 3.48

(b) Un-metered Water Users:

For users of the sewage works that are un-metered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The rate shall include a base rate according to the estimated meter size as listed above plus an estimated treatment charge as outlined on the schedule of rates and charges as follows:

UNMETERED USERS: (Per Month)

<u>Residential</u>	
Single family residence/unit (assuming 6,600 gallon average)	\$ 39.92
Apartment or trailer court/unit	29.94

UNMETERED USERS: (Per Month) continued

Commercial:

Retail establishment:

First 3 employees	39.92
Each additional employee	9.98

Gasoline service station:

With car wash facilities	99.80
Without car wash facilities	79.84

Restaurants, drive-ins and
taverns with eating and/or
drinking facilities

First 2 employees	39.92
Each additional employee	13.99

Laundromats:

Per washer	29.94
------------	-------

Car wash - manual:

Per bay	99.80
---------	-------

Shop or office in home

	79.84
--	-------

Professional office:

First 2 employees	39.92
Each additional employee	13.99

Governmental/Institutional:

School/student:

First 25 students	39.92
Each additional student	1.60

Churches, lodges & veteran
organizations without eating
and/or drinking facilities

For each 200 members or fraction thereof	39.92
---	-------

Government offices

First 3 employees	39.92
Each additional employee	9.98

Industrial (sanitary flow only):

First 3 employees	39.92
Each additional employee	9.98

(1) Special rate to be determined based on analysis,
strength and character of wastes.

(c) For the service rendered to the Town, said Town shall be subject to the same rates and charges hereinabove provided or to charges and rates established in harmony therewith.

(d) In order to recover the cost of monitoring wastes, the Town shall charge the user the actual cost of monitoring. This charge will be reviewed and revised on the same basis as all other rates and charges in this Ordinance.

Section 4. The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect and the sewage service shall be billed at the above appropriate rates, except as is hereinafter provided in this Section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed but which are also shown to the satisfaction of the Town that such quantities do not enter the sanitary sewage system.

(a) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the

Town and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this Ordinance, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharged.

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town and, in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and

approved method of measurement acceptable to the Town for the determination of sewage discharge.

- (c) In the event two (2) or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge, the flow rates and charges and minimum charge shall apply to each of the number of residential lots, parcels of real estate or building served through the single water meter.
- (d) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of ten thousand (10,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at is expense, install and maintain

meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

- (e) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary 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, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times Sixteen and 95/100 Dollars (\$16.95) per month.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system in such manner and by such method as the Town may deem practical in light of the conditions and attending circumstances of the case in order to

determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of Two Hundred Fifty (250) milligrams per liter or total suspended solids in excess of Two Hundred Fifty (250) milligrams per liter. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of Twelve Cents (\$0.12) per pound of total suspended solids for suspended solids received in excess of Two Hundred Fifty (250) milligrams per liter.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of Twelve Cents (\$0.12) per pound of biochemical oxygen demand for BOD received in excess of Two Hundred Fifty (250) milligrams per liter.

- (b) The determination of Total Suspended Solids and Five-Day Biochemical Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American

Public Health Association, the American Water Works Association and the Water Pollution Control Federation and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation 40 CFR Part 136 published in the Federal Register on October 16, 1973 and all updates and amendments thereto.

Section 6. Each user connecting to the Town's sanitary sewage works system shall pay a connection fee of Nine Hundred Dollars (\$900.00). In addition, the user shall be responsible for all costs of connecting to the Town sewer system and the same shall be subject to the inspections and approval of the Town.

Any user connecting to a local or lateral sewer after thirty (30) days of the date on which said sewer was available for connection shall be subject to a connection charge of One Thousand One Hundred Dollars (\$1,100.00).

Section 7. Such rates and charge shall be prepared, billed and collected by the Town in the manner provided by law and Ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly and at the end of each year each user shall be given notice of that amount of money charged for operation, maintenance and replacement for

that user during that year.

- (b) The rates and charges may be billed to the tenant or tenants occupying the properties 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 properties served which are occupied by a tenant or tenants shall have the right to examine the collection records of the Town 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.
- (c) As is provided by statute, 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 is now fixed at fifteen (15) days after the date of mailing of the bill.

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

users or user classes, the Town shall cause a study to be made within a reasonable period of time following the first two (2) years of operating following the date on which this Ordinance goes into effect. 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 or 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, debts service requirements and capital improvements to the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the Town or by a firm of certified public accountants or a firm of consulting engineers which firms shall have experience in such studies or by such combination of officers, employees, certified public accountants or engineers as the Town shall determine to be best under the circumstance.

Section 9. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe,

economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage system and for the regulation, collection, rebating and refunding of such rates and charges.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works that serves the Town or to require methods affecting pre-treatment of said wastes to comply with the pre-treatment standards as set out in the Town of Mooresville's Ordinance 17, 1989 and any successor Ordinance to this Ordinance.

Section 10. In the event any owner or other user of the Town sewage treatment works shall permit the dumping of waste and/or sewage into the Town's sewage works, which are harmful to the operation of the system, then the owner or user shall be required to pay for the damages plus a penalty of not less than One Hundred Dollars (\$100.00) per day nor greater than One Thousand Dollars (\$1,000.00) per day for each day in which such dumping occurs. Such damages shall be not less than the actual costs to the Town of Mooresville of locating the source of dumping and repairing any damage to the sewage treatment works caused by such dumping, including attorney fees, sampling and laboratory costs, engineering fees and all other costs

associated with enforcement and compliance of the Town's standards set out in this Ordinance and the Town's Ordinance 17, 1989 and any successor Ordinance to this Ordinance.

Section 11. 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 12. That the rules and regulations promulgated by the Town, after approval of the Town Council, shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Administrator of the user charge to the Town Council and that any decision concerning user charges of the Town Council may be appealed to the Circuit Court of Morgan County, Indiana under the Appeal Procedures provided for in the Indiana Administrative Adjudication Act.

Section 13. The Board 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 rate shall be limited to such costs. Said contract shall be in compliance with Public Law.

Section 14. The rates and charges as herein set forth shall become effective on the first billing period occurring after the adoption of this Ordinance.

Section 15. This Ordinance shall be in full force and effect from and after its passage.

Adopted this 20th day of July, 2010.

*This Ordinance
Repeals the water
Set in Ordinance*

MOORESVILLE TOWN COUNCIL

9-2007,

John L. Clark

Jeffrey M. Cook

Ryan Goodwin

Mark Harris

Anthony Langley

Attest:

Sandra Perry, Clerk-Treasurer