

**ORDINANCE NO. 2020-11
(AS AMENDED)**

AN ORDINANCE ESTABLISHING A NEW SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF NEWBURGH FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF THE TOWN AND OTHER MATTERS CONNECTED THEREWITH, MAKING CERTAIN AMENDMENTS TO PORTIONS OF NEWBURGH CODE OF ORDINANCES CHAPTER 51

WHEREAS, the Town has heretofore constructed and has in operation a sewage works for the purpose of collecting and disposing of the sewage of the Town and the area surrounding it in a sanitary manner and has heretofore authorized construction of, and has constructed, improvements to the treatment plant of the system; and

WHEREAS, the Town finds it necessary to expend sums to upgrade lift stations, expand sanitary sewer collection lines due to growth in the system, eliminate sewer under-capacity in the collector system and for capacity management, operations and maintenance systems (CMOM) to keep the sewer collection system in compliance with IDEM and USEPA requirements; and

WHEREAS, it is necessary to establish a new schedule of rates and charges to produce sufficient revenue to pay the expense of maintenance and operation of the works, to provide funds for necessary replacements and improvements to the works, to provide funds for a reasonable return on the utility plant, to provide funds for payment in lieu of taxes, and to pay the principal and interest, and to fund the debt service reserve, on outstanding, and to be issued, revenue bonds in accordance with the applicable Bond Ordinances, all in a manner in accordance with law of the State of Indiana, the Indiana Department of Environmental Management, and the U.S. Environmental Protection Agency.

WHEREAS, the Town of Newburgh has prior to March 31, 2012 previously adopted different rates for outside town users compared to inside town users and has received approval of the rate differential from the Indiana Utility Regulatory Commission ("IURC") pursuant to IC 8-1.5-3-8.3(c) in the letter from the IURC's Director of the Water/Wastewater Division dated October 11, 2012; and

WHEREAS, the percentage difference between rates and charges imposed on users of the works for service to property located outside the corporate boundaries in Ordinance No. 2009-4 was 41.6% based on the monthly minimum charge for metered users and the percentage difference between rates and charges imposed on users of the works for usage over the monthly minimum charge for service to property located outside the corporate boundaries in the existing ordinance varies as detailed in the September 26, 2012 filing with the IURC; and

WHEREAS, the schedule of rates and charges adopted hereby reflects an across-the-board increase of the current rates and charges, such that the percentage difference between rates and charges imposed on users of the works for service to property located outside the corporate boundaries will continue to be less than 42% based on the monthly minimum charge for metered

users, and for usage of varying amounts above the monthly minimum amount the differential between rates and charges imposed for service to property inside the corporate boundaries as compared to outside the corporate boundaries will be consistent with the differential previously approved by the IURC; and

WHEREAS, the Newburgh Town Council desires to make certain amendments to Chapter 51 of the Newburgh Code of ordinances as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWBURGH:

Section 1. Newburgh Code of Ordinances Section 50.080(R)(2) is hereby amended in its entirety to read as follows:

(2) Every user shall be billed under one of three methods set out in this division (R). Such rates and charges include user charges and debt service costs which shall be in an amount determinable as follows:

(a) Metered Water Users:

The sewage rates and charges shall be based, in part, 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, 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) or as determined by the water utility providing the readings to the Town's billing agency.

The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

1) Treatment Rate - per 1,000 gallons of usage per month as is measured by the water meter there in use, according to the following schedule:

On and after January 1, 2021

| | <u>Rate</u> |
|--------------|-------------|
| Inside Town | \$11.12 |
| Outside Town | \$16.78 |

Plus the billing charges set out in (c) below.

On and after July 1, 2021

| | <u>Rate</u> |
|--------------|-------------|
| Inside Town | \$11.46 |
| Outside Town | \$17.28 |

Plus the billing charges set out in (c) below.

On and after July 1, 2022

| | <u>Rate</u> |
|--------------|-------------|
| Inside Town | \$11.69 |
| Outside Town | \$17.63 |

Plus the billing charges set out in (c) below.

On and after July 1, 2023

| | <u>Rate</u> |
|--------------|-------------|
| Inside Town | \$11.92 |
| Outside Town | \$17.98 |

Plus the billing charges set out in (c) below.

- 2) Minimum Charge - each user shall pay a minimum monthly charge, according to the following schedule and for such charge they are entitled to 3,000 gallons.

On and after January 1, 2021

| | <u>Rate</u> |
|--------------|-------------|
| Inside Town | \$41.11 |
| Outside Town | \$58.09 |

This rate includes the billing charge identified in (c) below.

On and after July 1, 2021

| | <u>Rate</u> |
|--------------|-------------|
| Inside Town | \$42.38 |
| Outside Town | \$59.84 |

This rate includes the billing charge identified in (c) below.

On and after July 1, 2022

| | <u>Rate</u> |
|--------------|-------------|
| Inside Town | \$43.22 |
| Outside Town | \$61.04 |

This rate includes the billing charge identified in (c) below.

On and after July 1, 2023

| | <u>Rate</u> |
|--------------|-------------|
| Inside Town | \$44.06 |
| Outside Town | \$62.24 |

This rate includes the billing charge identified in (c) below.

- (b) Unmetered Water Users:

Water furnished to unmetered residential and commercial users shall be charged on the basis of the metered gallon rates herein before set forth as estimated and established by the Town Council (assuming 4,300 gallons used per month), but in no event shall the monthly charge be less than as follows:

| | |
|------------------------------|-------------|
| On and after January 1, 2021 | |
| | <u>Rate</u> |
| Inside Town | \$55.57 |
| Outside Town | \$79.90 |

This rate includes the billing charge identified in (c) below.

| | |
|---------------------------|-------------|
| On and after July 1, 2021 | |
| | <u>Rate</u> |
| Inside Town | \$57.28 |
| Outside Town | \$82.30 |

| | |
|---------------------------|-------------|
| On and after July 1, 2022 | |
| | <u>Rate</u> |
| Inside Town | \$58.42 |
| Outside Town | \$83.96 |

| | |
|---------------------------|-------------|
| On and after July 1, 2023 | |
| | <u>Rate</u> |
| Inside Town | \$59.56 |
| Outside Town | \$85.61 |

(c) Billing and administrative charge:

Each user, whether billed under a minimum charge, metered usage or unmetered usage shall pay a monthly billing charge to defray billing and administrative costs. The billing charge is included in the minimum rate and unmetered rate set out above. It is charged in addition to the metered rate set out above.

| | |
|------------------------------|-------------|
| On and after January 1, 2021 | |
| | <u>Rate</u> |
| In Town and out of Town | \$7.75 |

| | |
|---------------------------|-------------|
| On and after July 1, 2021 | |
| | <u>Rate</u> |
| In Town and out of Town | \$8.00 |

| | |
|---------------------------|-------------|
| On and after July 1, 2022 | |
| | <u>Rate</u> |

In Town and out of Town \$8.15
On and after July 1, 2023

Rate
In Town and out of Town \$8.30

- (d) For the service rendered to the Town of Newburgh, said Town shall be subject to the same rates and charges hereinabove provided.
- (e) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring but not less than \$60 per sample. This charge will be reviewed and revised on the same basis as all other rates and charges in this ordinance.
- (f) Summer averaging, swimming pool fillups and sewer adjustments for broken water mains shall continue as provided by Town policy.

Section 2. Newburgh Code of Ordinances Sections 50.080(I)(1)(a) and (b) are hereby amended to read as follows:

(a) *Rate surcharge based upon suspended solids.* There shall be an additional charge per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid as follows:

| | |
|-----------------------------|------------------|
| On or after January 1, 2021 | \$0.18 per pound |
| On or after July 1, 2021 | \$0.19 per pound |
| On or after July 1, 2022 | \$0.19 per pound |
| On or after July 1, 2023 | \$0.20 per pound |

(b) *Rate surcharge based upon BOD.* There shall be an additional charge per pound of biochemical oxygen demand (BOD) received in excess of 250 milligrams per liter of fluid as follows:

| | |
|-----------------------------|------------------|
| On or after January 1, 2021 | \$0.30 per pound |
| On or after July 1, 2021 | \$0.31 per pound |
| On or after July 1, 2022 | \$0.32 per pound |
| On or after July 1, 2023 | \$0.33 per pound |

Section 3. Newburgh Code of Ordinances Section 51.080(N) is hereby amended to read as follows:

(N) The town shall receive a return on investment to be set annually by the Town Council pursuant to Section 51.085 hereof.

Section 4. Newburgh Code of Ordinances Section 51.085(G) is amended to read as follows:

(G) The rate of return shall be a reasonable rate of return calculated in accordance with the relevant procedures of GARAP not to exceed 7.5% per annum.

Section 5. Newburgh Code of Ordinances Section 51.086, being in conflict with other ordinances, is hereby repealed.

Section 6. The rates and charges as herein set forth shall become effective on the first full billing period occurring after the date set out herein for the rate to apply. Current rates and charges shall remain in effect unless and until changed by terms of this ordinance.

Section 7. In all other respects Newburgh Code of Ordinances Chapter 51 shall remain in full force and effect.

ADOPTED by the Town Council of the Town of Newburgh on the 9 day of September, 2020.

TOWN COUNCIL OF THE
TOWN OF NEWBURGH, INDIANA

Stacie Krieger
Stacie Krieger, President

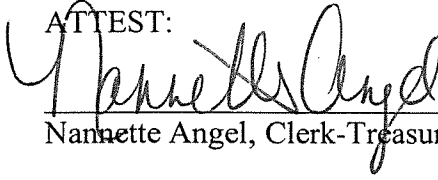
Anne Ruth Curran
Council Member

[Signature]
Council Member

Council Member

Council Member

ATTEST:

A handwritten signature in cursive script, appearing to read "Nannette Angel", written over a horizontal line.

Nannette Angel, Clerk-Treasurer

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