

ORDINANCE NO. 5827

**AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 5286,
“AN ORDINANCE ESTABLISHING A SEPARATE ORDINANCE FOR RATES AND
CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WASTEWATER
UTILITY OF THE CITY OF ELKHART, INDIANA”**

WHEREAS, the City of Elkhart, Indiana (“City”) owns, operates and maintains a municipal wastewater utility to collect, process and treat waste substances and sanitary sewage for the benefit of the citizens of Elkhart (“Utility”); and

WHEREAS, the Common Council of the City (“Common Council”) adopted Ordinance No. 5286 on December 19, 2011, establishing rates and charges for the use of and services rendered by the Utility of the City, provisions of which Ordinance No. 5286 were subsequently amended by the Common Council with the adoption of Ordinance No. 5321 on November 19, 2012; and

WHEREAS, the Administration has reviewed the financial requirements of the Utility and determined that the current rates and charges of the Utility are insufficient to: (i) fund current and future operating and maintenance expenses, (ii) equipment expenses, (iii) debt service payments, (iv) payments in lieu of taxes, (v) capital improvements, and (vi) fund the necessary changes to the combined sewer system so that the Utility is in compliance with the Federal Consent Decree; and

WHEREAS, the Board of Public Works of the City adopted Resolution No. 20-05 on October 20, 2020, approving of amendments to Ordinance No. 5286 as previously amended by Ordinance No. 5321; and

WHEREAS, the Common Council has considered the Rate and Financing Report, dated September 16, 2020, prepared by Baker Tilly Municipal Advisors, LLC (the “Rate and Financing Report”) and all other relevant information pertaining to this matter, and has determined that an increase in rates and charges is necessary and proper.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. Amendments. The following Sections of Ordinance No. 5286, as the same were previously amended by Ordinance No. 5321, are further hereby amended as follows:

Section 6.0 Basic Sewer Charges

For the use and the service rendered by the POTW, each User shall pay the following basic Wastewater rates and charges:

Sewer Only Account Set-up Fee	\$ 25.00
Sewer Deposit	\$ 65.00
Residential Sewer Insurance Monthly Premium	\$ 1.00*
Residential Sewer Insurance Annual Deductible	\$ 400.00
Residential Sewer Insurance Administrative Fee	\$ 20.00**
Trip Charge	\$ 25.00

* For each Residential Sewer Lateral

** Applicable if deductible is paid in monthly installments

	<u>Rates Effective as of:</u>	
	<u>January 1, 2021</u>	<u>January 1, 2022</u>
<u>Minimum Charge per Month for Metered Users</u>	<u>\$28.23</u>	<u>\$32.46</u>
<u>Minimum Charge per Month for Unmetered Users</u>	<u>\$48.21</u>	<u>\$55.44</u>
<u>Charge per 100 Cubic Feet Discharged per Month</u>		
First 300 cubic feet/2,244 gallons	\$9.41	\$10.82
Next 3,000 cubic feet/22,442 gallons	\$3.33	\$3.83
Over 30,000 cubic feet/24,686 gallons	\$2.90	\$3.34

These rates and charges shall be implemented at the time a parcel of real estate is connected to the POTW.

Section 8.0 Pretreatment, Surcharge and Surveillance Charges

Pretreatment

Permit Fee - Renewal	\$ 250.00
Permit Fee - New	\$ 500.00
Annual Permit Review	\$ 50.00

(Not applicable on year of permit renewal)

Program Administration	\$ 0.020/1,000 gallons (\$ 25.00 minimum charge)
Monitoring Setup & Teardown Fee	\$ 60 per event
Unscheduled Site Inspection Fee	\$ 40 per visit
Scheduled Site Inspection Fee	\$ 60 per visit

Surcharges

Rates Effective as of:

<u>January 1, 2021</u>	<u>January 1, 2022</u>	
\$0.03	\$0.04	per pound for cBOD ₅ in excess of 250 mg/L
\$0.02	\$0.03	per pound for TSS in excess of 250 mg/L
\$0.21	\$0.25	per pound for total phosphorus in excess of 11 mg/L
\$0.13	\$0.15	per pound for NH ₃ -N in excess of 25 mg/L

Surveillance charges are based on cost per sample per parameter.

<u>Parameter</u>	<u>Charge per Sample</u>
COD	\$ 30.00
BOD ₅ (tBOD ₅ or cBOD ₅)	\$ 25.00
TSS and VSS	\$ 24.00
pH	\$ 8.00
Phosphorus	\$ 28.00
Metals, per metal per sample	\$ 15.00
Mercury	\$ 30.00
Mercury, low level	\$ 65.00
Base/Neutrals & Acids	\$ 175.00
Cyanide, Total	\$ 30.00
Volatile Organics	\$ 65.00
Fats, Oil and Grease	\$ 30.00
Oil and Grease, Petroleum	\$ 60.00
Ammonia Nitrogen	\$ 15.00
Kjeldahl Nitrogen	\$ 25.00
Phenol	\$ 25.00

Under special circumstances the Board may require additional parameters at a unit charge to be based on the Utility's cost of providing the service. Additional monitoring and analytical costs to the Utility may be charged to the User.

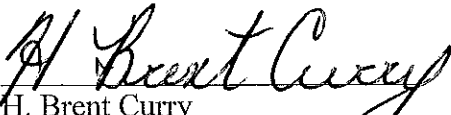
Section 2. Rate and Financing Report. A copy of the Rate and Financing Report shall be filed with and maintained by the Clerk of the City.

Section 3. Severability. If any provision, paragraph, word, or section of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

Section 4. Conflict. All other ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effective Date. This Ordinance shall take effect on January 1, 2021.

ORDAINED this 21st day of December, 2020.


H. Brent Curry
President of the Common Council

ATTEST:


Debra Barrett, City Clerk

PRESENTED to the Mayor by me this 22 day of December, 2020


Debra Barrett, City Clerk

APPROVED by me this 22 day of December, 2020.


Rod Roberson, Mayor

ATTEST:


Debra Barrett, City Clerk