

JASPER

Indiana



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September 5, 2012

Mr. E. Curtis Gassert
Director, Water/Wastewater Division
Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500 East
Indianapolis In 46204

RECEIVED
SEP 06 2012
INDIANA UTILITY
REGULATORY COMMISSION

RE: GAO 2012-2
Petition for Approval of Rate and Charge Differential
City of Jasper, Indiana

Dear Mr. Gassert:

Enclosed you will find the Petition for Approval of Rate and Charge Differential being filed on behalf of the City of Jasper Municipal Water and Wastewater Utilities. This Petition is being filed pursuant to I.C. §8-1.5-3 and pursuant to GAO 2012-2.

Please contact me should you have any questions regarding our petition. I look forward to your response.

Sincerely,

Renee J. Kabrick
City Attorney

**STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION**

PETITION FOR APPROVAL OF RATE)
AND CHARGE DIFFERENCE BETWEEN)
PROPERTY WITHIN AND PROPERTY)
OUTSIDE THE CORPORATE BOUNDARIES)
OF THE CITY OF JASPER)

CAUSE NO. _____

PETITION FOR APPROVAL OF RATE AND CHARGE DIFFERENTIAL

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, City of Jasper through the Jasper Municipal Utilities Utility Service Board, by counsel, respectfully petitions the Indiana Utility Regulatory Commission ("Commission") for approval of the rate and charge difference between property within and property outside the corporate boundaries of the City of Jasper. In support of its Petition, Petitioner states:

1. The ordinance setting rates and charges for property within and property outside the municipality's corporate boundaries took effect as follows:
 - a. Ordinance No. 2009-31 took effect on December 1, 2009; and
 - b. Ordinance No. 2008-10 Phase 1 took effect on July 1, 2008; and Ordinance No. 2008-10 Phase 2 took effect on July 1, 2009.
2. Attached as "Exhibit A" is a copy of Ordinance No. 2009-31.
3. Attached as "Exhibit B" is a copy of Ordinance No. 2008-10.
4. The works that is the subject of the Ordinance 2009-31 is a:
 - a. water utility works X
 - b. wastewater utility works _____
 - c. both water and wastewater utility works _____

5. The works that is the subject of the Ordinance 2008-10 is a:
 - a. water utility works _____
 - b. wastewater utility works X
 - c. both water and wastewater utility works _____

6. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is TWENTY-FIVE PERCENT (25%).

7. The percentage difference in number six (6) above does not vary based upon the amount of consumption.

8. The percentage difference between the rates and charges imposed on users of the water utility works for Private Fire Protection to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is FORTY PERCENT (40%).

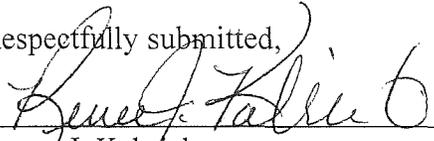
9. The percentage difference in number eight (8) above does not vary based upon the amount of consumption.

10. Petitioner considers Ind. Code § 8-1.5-3-8.3(c), among other statutes, to be applicable to the relief requested by this Petition.

11. Renee J. Kabrick is counsel of record for Petitioners in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioners.

WHEREFORE, the City of Jasper requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of the City of Jasper and for all other just and reasonable relief.

Respectfully submitted,



Renee J. Kabrick
Counsel, City of Jasper

VERIFICATION

I, Wayne Schuetter, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

9/5/2012
Date

Wayne Schuetter
Wayne Schuetter, Chairman
Utility Service Board,
Jasper Municipal Utilities

Attorney Contact Information:
Renee J. Kabrick
610 Main Street
PO Box 29
Jasper IN 47547-0029

ATTACHMENT A

ORDINANCE No. 2009- 31

AN ORDINANCE FIXING A SCHEDULE OF REVISED RATES AND CHARGES FOR THE SALE OF WATER BY THE JASPER MUNICIPAL WATER UTILITY.

WHEREAS, The Common Council of the City of Jasper has heretofore passed and adopted Ordinance No. 2003-70 on January 21, 2004, fixing a schedule of rates and charges for the sale of water by the Water Utility of said City, and

WHEREAS, The City of Jasper, Indiana, through its Utility Service Board, hired H.J. Umbaugh & Associates, Certified Public Accountants, to conduct a rate study for its Water Utility, and

WHEREAS, a rate study was conducted and presented to the Utility Service Board and the Common Council of the City of Jasper, Indiana, and

WHEREAS, the Utility Service Board of the City of Jasper, Indiana, by a Resolution dated September 21, 2009, approved the rate study, found the present schedule of rates and charges to be inadequate for the normal operation and maintenance of the Water Utility and for the provision of adequate funds for the payment of Bonds and necessary Capital Improvements, and recommended the schedule of rates and charges contained in this Ordinance to the Common Council of the City of Jasper, Indiana, and

WHEREAS, the Common Council of the City of Jasper, Indiana, hereby approves the findings of the rate study conducted by H.J. Umbaugh & Associates and further finds that the herein contained rates and charges are reasonable, equitable, and based upon the cost of providing service to its Water Utility customers.

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

Section 11.04.140 Rates for Service. There shall be and there are hereby established for the use of the retail and wholesale customers, both inside and outside the corporate limits of the City of Jasper, the following rates and charges for the Water Utility of the City of Jasper, Indiana, which are hereby deemed to be reasonable, equitable, and based upon the cost of providing service.

Section 11.04.140(1), There shall be and there are hereby established for the sale of water within the corporate limits of the City of Jasper the following rates and charges.

(a) <u>Metered Rates</u>	<u>Per 100 Cu. Ft. Per Month</u>
First 5,000 cubic feet	\$4.29
Next 20,000 cubic feet	3.49
Over 25,000 cubic feet	2.70

(b) Monthly Service Charge

Each user shall pay a monthly service charge in accordance with the size of the meter installed.

<u>Meter Size</u>	<u>Per Month</u>
5/8 inch meter	\$ 6.95
3/4 inch meter	8.50
1 inch meter	9.75
1 1/2 inch meter	11.40
2 inch meter	15.85
3 inch meter	49.05
4 inch meter	61.25
6 inch meter	89.90

(c) <u>Fire Hydrant Rental</u>	<u>Per Annum</u>
Private Hydrant	\$600.85

(d) <u>Fire Protection Rates (Private)</u>	<u>Per Annum</u>
1 inch connection	\$ 17.10
1 1/2 inch connection	37.95
2 inch connection	67.00
3 inch connection	150.40
4 inch connection	267.25

6	inch connection	600.85
8	inch connection	1,068.35
10	inch connection	1,669.10
12	inch connection	2,403.05

(e) Hookup Charge

A hookup charge shall be made on all new installations and shall consist of the actual cost of labor and materials, plus 10% to cover overhead and administrative costs.

(f) Temporary Users

Water furnished to temporary users, such as contractors, festivals, etc., shall be charged for on the basis of the above rates and quantities as estimated by the Water Utility Manager.

(g) Bulk Water

Water sold to bulk users directly from the fill station at the Water Treatment Plant shall be \$10.00 for any amount less than or equal to 1000 gallons and then \$.0036 per each additional gallon of water. Applicable sales tax would also be added.

Section 11.04.140(2). There shall be and there are hereby established for the sale of water outside the corporate limits of the City of Jasper, the following rates and charges.

(a)	<u>Metered Rates</u>	<u>Per 100 Cu. Ft. Per Month</u>
	First 5,000 cubic feet	\$5.41
	Next 20,000 cubic feet	4.38
	Over 25,000 cubic feet	3.40

(b) Monthly Service Charge

Each user shall pay a monthly service charge in accordance with the size of the meter installed.

	<u>Meter Size</u>	<u>Per Month</u>
	5/8 inch meter	\$ 8.65
	3/4 inch meter	10.65
	1 inch meter	12.15
	1 1/2 inch meter	14.35
	2 inch meter	19.90
	3 inch meter	61.25
	4 inch meter	76.60
	6 inch meter	112.25

(c)	<u>Fire Hydrant Rental</u>	<u>Per Annum</u>
	Private Hydrant	\$747.70

(d)	<u>Fire Protection Rates (Private)</u>	<u>Per Annum</u>
	1 inch connection	\$ 24.00
	1 1/2 inch connection	53.40
	2 inch connection	94.10
	3 inch connection	211.30
	4 inch connection	375.25
	6 inch connection	844.10
	8 inch connection	1,500.50
	10 inch connection	2,344.90
	12 inch connection	3,375.85

(e) Hookup Charge

A hookup charge shall be made on all new installations and shall consist of the actual cost of labor and materials, plus 10% to cover overhead and administrative costs.

(f) Temporary Users

Water furnished to temporary users, such as contractors, festivals, etc., shall be charged

for on the basis of the above rates and quantities as estimated by the Water Utility Manager.

(g) Bulk Water

Water sold to bulk users directly from the fill station at the Water Treatment Plant shall be \$10.00 for any amount less than or equal to 1000 gallons and then \$.0036 per each additional gallon of water. Applicable sales tax would also be added.

Section 11.04.140(3). There shall be and there are hereby established for the sale of water to the Dubois Water Utilities, Inc., the following wholesale rates and charges.

(a) <u>Metered Rates</u>	<u>Per 100 Cu. Ft. Per Month</u>
First 1,000,000 cubic feet	\$3.18
Over 1,000,000 cubic feet	3.71

(b) Monthly Service Charge

Each user shall pay a monthly service charge in accordance with the size of the meter installed.

<u>Meter Size</u>	<u>Per Month</u>
5/8 inch meter	\$ 8.65
3/4 inch meter	10.65
1 inch meter	12.15
1 1/2 inch meter	14.35
2 inch meter	19.90
3 inch meter	61.25
4 inch meter	76.60
6 inch meter	112.25

Section 11.04.140(4). There shall be and there are hereby established for the sale of water to the Ireland Utilities, Inc., the following wholesale rates and charges:

(a) <u>Metered Rates</u>	<u>Per 100 Cu. Ft. Per Month</u>
First 1,000,000 cubic feet	\$3.18
Over 1,000,000 cubic feet	3.71

(b) Monthly Service Charge

Each user shall pay a monthly service charge in accordance with the size of the meter installed.

<u>Meter Size</u>	<u>Per Month</u>
5/8 inch meter	\$ 8.65
3/4 inch meter	10.65
1 inch meter	12.15
1 1/2 inch meter	14.35
2 inch meter	19.90
3 inch meter	61.25
4 inch meter	76.60
6 inch meter	112.25

Section 11.04.140(5). All bills for water service not paid by the due date, as stated on such bills, shall be subject to a collection of a deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

Section 11.04.140(6). Prior Ordinances.

Ordinance 2003-70 and all ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

Section 11.04.140(7). Separability.

If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity

of the remaining portions thereunder.

Section 11.04.140(8). Effective Date.

This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law, but no sooner than for the billings which occur after December 1, 2009.

PASSED AND ADOPTED by the Common Council of the City of Jasper, Indiana, this 21ST day of October, 2009.

William J. Schmitt
William J. Schmitt, Presiding Officer

ATTEST:

Juanita S. Boehm
Juanita S. Boehm, Clerk-Treasurer

Presented by me to the Mayor of the City of Jasper on the 21st day of OCTOBER, 2009 at the hour of 7:17 o'clock p.m.

Juanita S. Boehm
Juanita S. Boehm, Clerk-Treasurer

This ordinance approved and signed by me as the Mayor of the City of Jasper, Indiana, this 21ST day of October, 2009, at 7:17, o'clock p.m.

William J. Schmitt
William J. Schmitt, Mayor

ATTEST:

Juanita S. Boehm
Juanita S. Boehm, Clerk-Treasurer

ATTACHMENT B

AN ORDINANCE FIXING A SCHEDULE OF REVISED RATES AND CHARGES COLLECTED BY THE CITY OF JASPER, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID CITY, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the City has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the City in a sanitary manner and has heretofore completed construction of improvements thereto financed in part by grants from the U.S. Environmental Protection Agency and the State of Indiana; and

WHEREAS, the City has issued revenue bonds to fund that portion of the cost not covered by grants; and

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by Ordinance No. 2006-10 has revealed that the schedule is insufficient and therefore it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency, and to pay the principal and interest on outstanding revenue bonds in accordance with the applicable bond ordinances; and

WHEREAS, I.C. 8-1.5-3-8(e) authorizes the Utility Service Board to recommend to the Council rates and charges sufficient to include a reasonable return on utility plants of the municipality. Under Indiana Code, the sewage works is not a 'utility'. However, the Utility Service Board and the Council believe that it is fair and equitable to charge out-of-city users of the sewage works rates and charges that are sufficient to include a reasonable return on the sewage plant of the City. I.C. 36-9-23-25 authorizes the Council to set sewage rates using any factors listed in the statute and any other factors they consider necessary. The Council further finds that a reasonable rate for a reasonable return on the sewage plant owned by the City results in a surcharge of 25% to out-of-city users; and

WHEREAS, the debt service fee associated with the 2001 Sewer Extension Project needs adjusting because additional connections have been made to the system within said Project, and

WHEREAS, the Common Council of the City of Jasper, Indiana, hereby approves the findings of the rate study conducted by Umbaugh, Certified Public Accountants, dated February 27, 2008, with a phase-in of certain rates, and further finds that the herein contained rates and charges are reasonable, equitable, and based upon the cost of providing service to its Wastewater Utility customers,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL of the City of Jasper, Indiana, that the following ordinance pertaining to rates and charges of Jasper Municipal Wastewater Utility is hereby established:

Section 1. (11.16.010) Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (7) "Board" shall mean the Utility Service Board of the City of Jasper, Indiana, or any duly authorized officials acting in its behalf.
- (12) "City" shall mean the City of Jasper, Indiana, acting by and through the Common Council.
- (19) "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- (23) "Excessive Strength Surcharge" shall mean an additional charge billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- (25) "Floatable Oils" (Fats, Oils & Grease) shall have the same meaning as defined in the Sewer Use Ordinance.
- (33) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (48) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:
 - COD not more than 600 mg/l
 - BOD not more than 300 mg/l
 - S.S. not more than 250 mg/l
 - NH₃N not more than 30 mg/l
 - Floatable Oils not more than 100 parts per million

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.
- (50) "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.)
- (51) "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.
- (52) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or corporation, association, society, institution, enterprise, governmental agency or other entity.
- (65) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

- (67) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water. The three most common types of sewage are:
- Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
- Industrial sewage shall mean a combination of liquid and water-carried wastes discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).
- Combined sewage shall mean wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.
- (71) "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.
- (72) "Shall" is mandatory; "May" is permissive.
- (89) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204 (b) of Public Law 92-500.
- (90) "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 or more persons, including all dwelling units, etc.
- Commercial User - shall mean any establishment involved in a commercial enterprise, business or service, based on a determination by the City, 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, based on a determination by the City, 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 manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.
- (97) "2001 Extensions" shall mean the extension of sanitary sewage services to residents located within areas known as the Whoderville/Eastown Area and the Southwest Service Area.

Section 2. (11.16.011) Abbreviations:

- | | |
|--|---|
| (a) BOD - Biochemical Oxygen Demand System | (j) NPDES - National Pollutant Discharge Elimination System |
| (b) CFR - Code of Federal Regulations | (k) O & M - Operating & Maintenance |
| (c) COD - Chemical Oxygen Demand | (l) POTW - Publicly Owned Treatment Works |
| (d) EPA - Environmental Protection Agency | (m) SIC - Standard Industrial Classification |
| (e) l - Liter | (n) S.S. - Suspended Solids |
| (f) IU - Industrial User et.seq. | (o) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, |
| (g) mg - Milligrams | (p) TSS - Total Suspended Solids |
| (h) mg/l - Milligrams per Liter | (q) USC - United States Code |
| (i) NH ₃ N - Ammonia Nitrogen | (r) WWTP - Wastewater Treatment Plant |

Section 3. (11.16.305) 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 class, revenue proportional to its use of the treatment 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 within a user class.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful 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 | - Residential |
| | - Governmental |
| | - Industrial |
| | - Commercial |
| | - Institutional |

Section 4. (11.16.310) For the use of and the services rendered by 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 sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Jasper. 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:

- (1) The sewage rates and charges for those users residing inside the corporate boundaries of the City of Jasper shall be based on the quantity of water entering the City sanitary system from the property or premises, as the same is measured by the water meter or flow meter there in use, plus a base charge based on the size of the water meter or flow meter installed, except as herein

otherwise provided. Base charges shall begin at the time a new connection to the sanitary sewage system has satisfactorily passed inspection regardless of whether water usage has begun. For the purpose of billing and collecting the rates and charges for sewage service, the water meter or flow meter shall be read monthly and the users shall be billed monthly (or period equaling a month).

- (2) For property owners, ratepayers, and other interested parties residing inside the corporate boundaries of the City of Jasper, served or to be served, by the sewage works of the City of Jasper, the schedule on which said rates and charges shall be determined is as follows:

All Users

(a) Treatment Rate:	<u>Per 100 cubic feet</u>	
	<u>Phase 1</u>	<u>Phase 2</u>
	\$2.26	\$2.30

Plus (b) Base Rate - as follows:	<u>Monthly Base Rate</u>	
<u>Base Rate</u>	<u>Phase 1</u>	<u>Phase 2</u>
5/8 - 3/4 inch meter	\$12.54	\$13.20
1 inch meter	29.10	30.61
1 1/2 inch meter	65.51	68.88
2 inch meter	111.85	117.60
3 inch meter	255.31	268.40
4 inch meter	442.90	465.60
6 inch meter	1,005.69	1,057.20

- (3) For users of the sewage works that are un-metered or accurate meter readings are not available and that reside inside the corporate limits of the City of Jasper, 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 schedule on which said rates and charges shall be determined is as follows:

	<u>Monthly Rate</u>	
	<u>Phase 1</u>	<u>Phase 2</u>
Residential:		
Single-family residence/unit	\$27.23	\$28.15

Un-metered non-Residential Single-Family Dwelling Units shall be charged a rate to be determined by the City on an individual basis by applying the metered rates stated above to estimated usage and meter size.

- (4) For the service rendered to the City of Jasper, said City shall be subject to the same rates and charges hereinabove provided for users inside the corporate limits of the City of Jasper, or to rates and charges established in harmony therewith.
- (5) In order to recover the cost of monitoring industrial wastes the City shall charge the user the actual cost of monitoring but not less than \$75.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in the ordinance.
- (6) All property owners, ratepayers, and other interested parties residing outside the corporate boundaries of the City of Jasper, served or to be served, by the sewage works of the City of Jasper, shall be subject to all provisions, and the rate schedules, established by this ordinance. In addition, a twenty-five percent (25%) surcharge shall be applied to the rates for those users outside the corporate boundaries of the City, and the schedule for those users shall be as follows:

(a) Treatment Rate:	<u>Per 100 cubic feet</u>	
	<u>Phase 1</u>	<u>Phase 2</u>
	\$2.83	\$2.88

Plus (b) Base Rate - as follows:	<u>Monthly Base Rate</u>	
<u>Base Rate</u>	<u>Phase 1</u>	<u>Phase 2</u>
5/8 - 3/4 inch meter	\$15.67	\$16.50
1 inch meter	36.37	38.26
1 1/2 inch meter	81.88	86.10
2 inch meter	139.81	147.00
3 inch meter	319.13	335.50
4 inch meter	553.63	582.00
6 inch meter	1,257.11	1,321.50

Unmetered Users:

	<u>Monthly Rate</u>	
	<u>Phase 1</u>	<u>Phase 2</u>
Residential:		
Single-family residence/unit	\$34.03	\$35.22

- (7) In order that residential and/or domestic users of sewage services shall not be penalized for sprinkling lawns during the months of July, August, and September, the billing for sewage services for residential and/or domestic users for said months of July, August, and September shall be based upon the average daily water usage for the previous months of February, March,

and April (winter daily average).

The winter daily average, shall be determined by taking the highest total usage (in cubic feet) being billed on any of the bills dated February, March, or April, and dividing by 90. If the resulting number is less than 10 cubic feet, said number shall be reset to a minimum 10 cubic feet (75 gallons).

The summer usage being billed during each billing period will be averaged based on the total number of days being billed (summer daily average) and then multiplied by the number of days being billed between July 1st and September 30th (pro-rated summer usage). The winter daily average multiplied by the same number of days being billed between July 1st and September 30th (pro-rated winter usage) shall be subtracted from the pro-rated summer usage. The difference between the pro-rated summer usage and the pro-rated winter usage shall be applied against the rates and entered on the bill as a separate negative entry and identified as "Summer Sewer Discount".

The Summer Sewer Discount will not be allowed if the pro-rated winter usage is greater than the pro-rated summer usage.

Residential and/or domestic sewage services applicable to the Summer Sewer Discount shall apply to each lot, parcel of real estate, or building that is occupied and used as a residence. Said Summer Sewer Discount shall not apply to any premises which are partially used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water services so that the residential portion of the premises is served through a separate water meter, and in such case, the water usage registered by the water meter serving such portion of the premises used for residential purposes would qualify for the Summer Sewer Discount.

- (8) In the event of unusual or extraordinary water usage during said previous months of February, March and April, the sprinkling rate may be adjusted to so compensate.
- (9) Special Situation Rebates. Rebates shall be allowed in special situations where excess non-sewered water is used. Such special situations shall be limited to:
- a. The installation of a new lawn or new landscaping,
 - b. The filling of swimming pools, and
 - c. Any other water usage situation that is, in the sole discretion of the Wastewater Manager, one in which the water usage:
 - i. Is excessive,
 - ii. Is a non-recurring phenomenon,
 - iii. Is reasonable verifiable, and
 - iv. Does not result in the water's disposal in the sanitary sewer system.

"Excessive" means that the usage is equal to or greater than 400 cubic feet as compared to the customer's previous three month's usage. To qualify, the customer must submit a written request to the Wastewater Manager describing the special situation. The request must be filed with the Wastewater Manager no later than 60 days after the termination of the situation for which the request is made. The Wastewater Manager shall approve the request only if he, in his sole discretion, reasonably exercised, finds that the situation falls within any of those described above.

The amount of the rebate shall be determined by taking the highest monthly usage from three months immediately preceding the month in which the special situation occurred and subtracting it from the usage of the special situation month. The difference in usage, over and above the 400 cubic feet, will be applied against the rate schedule and the customer's account will be adjusted accordingly. If the customer has no prior history for comparison, the normal usage of a similar customer will be used.

Rebates will not be allowed during the months where the Summer Sewer Discount, as previously defined in this ordinance, is in effect.

Disputes with respect to qualification, calculation, or usage, shall be resolved by the Wastewater Manager, in his sole discretion, reasonably exercised. Any such decision of the Wastewater Manager shall be final and reviewable only for abuse of discretion.

Section 5. (11.16.313) Rates and charges for 2001 Extensions.

- (1) For use of and for the services rendered by the sewage works to users of the 2001 Extensions, the monthly Debt Service Fee is hereby set as follows:

<u>Meter Size</u>	<u>Rate per Month</u>
	<u>Phase 1</u>
5/8 - 3/4 inch	\$23.50
1 inch	58.75
1-1/2 inch	136.30
2 inch	235.00
3 inch	540.50
4 inch	940.00
6 inch	2,138.50

The monthly debt service fees set out above shall be in addition to all other applicable sewage rates and charges of the City of Jasper.

- (2) The City and Dubois County, Indiana, have both adopted ordinances requiring connection to a public sanitary sewer system if one becomes available. In the event that the residents currently located within the area to be serviced by the 2001 Extensions meet the requirements for

connection under both ordinances, they will be notified once the system is available and must follow all the requirements of the City of Jasper ordinance in effect at that time with regard to mandatory connection, and pay all fees associated therewith.

Section 6. (11.16.315) Transportation and/or treatment rates and charges shall be established for each qualifying user who has contracted with or is intending to contract with the City for transportation and/or treatment of sewage. Each contractual user shall have a rate specifically designed by the Jasper Municipal Sewage Works based upon each contractual user's flow and treatment characteristics. The City reserves the right to amend the transportation and/or treatment rates and charges in the event a substantial or material change in the contractual user's flow and treatment characteristics is identified after passage of this ordinance. The qualified users who are currently contracted for transportation and/or treatment of sewage are:

- (1) Ireland-Madison Township Conservancy District.

The Ireland-Madison Township Conservancy District shall be considered a user outside the corporate boundaries of the City and shall pay a base charge each month regardless of flow. In addition to the monthly base charge, the Ireland-Madison Township Conservancy District shall pay a treatment rate based on actual flow metered at each point where the Ireland-Madison Township Conservancy District is connected to the Jasper Municipal Sewage Works. The schedule on which said rates and charges shall be determined is as follows:

(a)	Base Rate (Phase 1):	\$880.00
Plus (b)	Treatment Rate per 100 cubic feet (Phase 1):	\$2.64

Section 7. (11.16.320) Water entering the sanitary sewage system from sources other than the City.

- (1) The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the City shall be determined by the City in such manner as the City shall reasonably elect (to include, but not be limited to, water meters, flow meters, etc.), and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the City 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 City that such quantities do not enter the sanitary sewage system.
- (2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City 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 City then the amount of water used shall be otherwise measured or determined by the City. 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, wires, volumetric, measuring devices or any adequate and approved method of measurement acceptable to the City for the determining of sewage discharge.
- (3) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the City, 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 City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (4) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the City'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 purpose, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- (5) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sanitary sewage system, either directly or indirectly, and uses water in excess of 1,335 cubic feet per month, and it can be shown to the satisfaction of the City 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 his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

Section 8. (11.16.350) 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 user charge as may be equitable.

Section 9. (11.16.360) In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the City may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall provide a central sampling point, which must be available to the City at all times.

- (1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 300 milligrams per liter of fluid, suspended solids in excess of 250 milligrams per liter of fluid, a

chemical oxygen demand in excess of 600 milligrams per liter of fluid, ammonia nitrogen in excess of 30 milligrams per liter of fluid, or floatable oils in excess of 100 parts per million. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(a) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of 20 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

(b) Rate Surcharge Based Upon BOD

There shall be an additional charge of 20 cents per pound of biochemical oxygen demand for BOD received in excess of 300 milligrams per liter of fluid.

(c) Rate Surcharge Based Upon NH₃N

There shall be an additional charge of 70 cents per pound of nitrogen for NH₃N received in excess of 30 milligrams per liter of fluid.

(d) Rate Surcharge for COD

There shall be an additional charge of 20 cents per pound of chemical oxygen demand for COD received in excess of 600 milligrams per liter of fluid.

(e) Rate Surcharge for Floatable Oils

There shall be an additional charge of 20 cents per pound of floatable oils for floatable oils in excess of 100 parts per million.

- (2) The determination of Suspended Solids, five-day Biochemical Oxygen Demand and Ammonia Nitrogen 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 CFR Part 136, published in the Federal Register on October 16, 1973.

Section 10. (11.16.370) Such rates and charges shall be prepared, billed and collected by the City in the manner provided by law and ordinance.

- (1) The rates and charges for all users shall be prepared and billed monthly. Users may request a notice of the rates charged for operation, maintenance and replacement for that user at any time from the Utility Business Office.
- (2) 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 City 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.
- (3) 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 due is the date as stated on the bill.

Section 11. (11.16.375) 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 uses of user classes, the City shall cause a study to be made within a reasonable period of time following the first two (2) years of operation, 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, debt service requirements and capital improvements to the waste treatment systems.

Thereafter, on a biennial basis, after two years and within a reasonable period of time following the normal accounting period, the City shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) maintaining proportionality among the user classes of the rates and charges for sewage services.

Said studies shall be conducted by officers or employees of the City, 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 City shall determine to be best under the circumstances.

Section 12. (11.16.380) The City shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the City's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such rates and charges. No free service shall be provided to any user of wastewater treatment facility.

The City is hereby authorized to prohibit dumping of wastes into the City's sewage system which, in its discretion,

are deemed harmful to the operation of the sewage treatment works of the City, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works.

Section 13. (11.16.390) 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 special rates shall be based on such costs.

Section 14. (11.16.505) That the rules and regulations promulgated by the City, after approved by the Utility Service Board 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 Utility Service Board and that any decision concerning user charges of the Utility Service Board may be appealed to the Circuit Court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 15. 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 of parts.

Section 16. Ordinance 2006-10 and all other ordinances, parts of ordinances, and all amendments thereto, if any, or sections thereof in conflict with this ordinance, are hereby repealed. All ordinances and parts of ordinances not specifically amended by this ordinance shall remain in full force and effect.

Section 17. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law; and, the rates and charges set forth in this ordinance as Phase 1 shall apply to billings after July 1, 2008 and those rates and charges set forth in this ordinance as Phase 2 shall apply to billings after July 1, 2009.

PASSED AND ADOPTED by the Common Council of the City of Jasper, Indiana, this 23rd day of APRIL, 2008.

William J. Schmitt
William J. Schmitt, Presiding Officer

ATTEST:

Juanita S. Boehm
Juanita S. Boehm, Clerk-Treasurer

Presented by me to the Mayor of the City of Jasper on the 23rd day of APRIL, 2008 at the hour of 7:50 o'clock p.m.

Juanita S. Boehm
Juanita S. Boehm, Clerk-Treasurer

This ordinance approved and signed by me as the Mayor of the City of Jasper, Indiana, this 23rd day of APRIL, 2008, at 7:50 o'clock p.m.

William J. Schmitt
William J. Schmitt, Mayor

ATTEST:

Juanita S. Boehm
Juanita S. Boehm, Clerk-Treasurer