

ORDINANCE NO. 1447

AN ORDINANCE AMENDING ORDINANCE NO. 1417 IN ITS ENTIRETY AND ESTABLISHING RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WATERWORKS SYSTEM OF THE CITY OF NAPPANEE

WHEREAS, the City of Nappanee desires to establish a public fire protection surcharge and has caused a financial study of the municipal waterworks to be made by H.J. Umbaugh & Associates, Certified Public Accountants, LLP, Plymouth, Indiana; and

WHEREAS, the Common Council of the City of Nappanee now finds that the public fire protection surcharges are necessary to recover the costs of providing public fire protection;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NAPPANEE, INDIANA, THAT ORDINANCE NO. 1417 OF THE CITY OF NAPPANEE, INDIANA, IS HEREBY AMENDED IN ITS ENTIRETY AS FOLLOWS:

SECTION 1. That there be and there are hereby established for the use of and the service rendered by the Waterworks System of the City of Nappanee, Indiana, the following rates and charges based on the amount of water supplied during each monthly billing period.

A.	(1)	<u>Metered Usage Per Month</u>	<u>Rate Per 100 Cubic Feet</u>
		First 333 cubic feet	\$ 3.92
		Next 667 cubic feet	3.22
		Next 2,333 cubic feet	2.59
		Next 3,667 cubic feet	1.94
		Over 7,000 cubic feet	1.56

(2) Minimum Monthly Charge – Each user shall pay a minimum charge per month corresponding to the installed meter size for which the user will be entitled to the quantity of water per the above rate schedule.

<u>Meter Size</u>	<u>Minimum Charge Per Month</u>
5/8" – 3/4"	\$ 13.05
1"	25.80
1 1/2"	38.75
2"	77.50
3"	155.05
4"	322.70
6"	374.75
8"	735.75

(3)	<u>Fire Protection Charge</u>	<u>Per Annum</u>
	Fire hydrants – per hydrant – private	\$ 645.70

Public hydrant surcharge:

<u>Meter Size</u>	<u>Per Month</u>
5/8" – 3/4"	\$ 5.13
1"	12.83
1 1/2"	25.65
2"	41.04
3"	76.95
4"	128.25
6"	256.50
8"	410.40
10"	589.95

	<u>Per Annum</u>
Fire sprinkler connections:	
2" Line	\$ 390.80
Each additional 2" line	313.40
4" Line	774.85
Each additional 4" line	706.50
6" Line	1,292.60
Each additional 6" line	1,136.40
8" Line	1,568.65
Each additional 8" line	1,411.70
10" Line	2,542.25
Each additional 10" line	2,346.30

B. Connection – A connection charge shall be collected from each customer prior to connection to the Waterworks System. Each new connection to the Waterworks System shall have a minimum water service line of one (1) inch. The connection charge shall be an amount determined by the following schedule:

(1) Service Line – 1 inch

<u>Year</u>	<u>Year</u>
2008 - \$1,338.00	2011 - \$1,464.00
2009 - \$1,377.00	2012 - \$1,512.00
2010 - \$1,416.00	2013 - \$1,560.00
	2014 - \$1,608.00

(2) Connection charges for service lines greater than 1 inch shall be determined by the following formula:

Estimated maximum daily flow
for proposed connection
(as defined below) X Applicable charge for a 1 inch service
Estimated maximum daily flow for a line per Section B (1) above

Equivalent Single Family Dwelling Unit
(as defined below)

- (2.a) The estimated maximum daily flow for the proposed connection shall be determined by utilizing Table 6 of the Indiana State Board of Health Bulletin S.E. 13, or its successors, as amended from time to time.
 - (2.b.) The estimated maximum daily flow for an Equivalent Single Family Dwelling Unit shall be determined annually by the City's Board of Public Works and Safety (the "Board") and shall remain applicable and in effect until the Board shall make a subsequent annual determination. Such annual determination shall be made by multiplying the average water usage on all single family dwellings units in the City (determined by dividing the total water usage of all single family dwellings units, within the City, by the number of single family dwelling units in the City) and multiplying that amount by the most recent determination of the peak factor usage for a single family dwelling as determined by the American Water Works Association.
- C. Inspection/Meter Charge
- (1) A fee of \$100.00, plus the cost of the meter, shall be charged for the inspection of all connections to the municipal water utility, including replacement of existing connections.
 - (2) All meters shall remain the property of the Waterworks.
- D. Temporary Users – Except as otherwise provided in G.7 of this Section 1 herein below, water furnished to temporary users, except as otherwise herein stated, shall be charged on the basis of metered rates hereinbefore set forth and based upon usage as estimated and established by the Waterworks Superintendent.
- E. Re-Connection Charge – In the event that service has been discontinued because of nonpayment of any bill or for any other cause beyond the control of the City, and service is again desired and allowed, a re-connection charge of \$25.00 shall be assessed against the customer.
- F. Seasonal Water Meters – For seasonal water meters, a connection charge of \$15.00 and a disconnect charge of \$15.00 will be made.
- G. Other Miscellaneous Charges:
- (1) A charge of \$25.00 shall be made for each Touch-Read Register. All new construction shall be required to have a remote meter installed.
 - (2) Any material used by the Waterworks and charged to the user pursuant to this Ordinance shall be charged at the rate of actual cost plus 20% of such cost, plus sales tax on the total thereof.
 - (3) Any person or entity requesting temporary access to a fire hydrant shall be charged \$25.00 for the first connection plus cost of water usage pursuant to the

appropriate rates therefore. (No additional charge for each subsequent connection on the same day during working hours.) The charge will be \$50.00 per connection outside of normal working hours plus cost of water usage pursuant to the appropriate rates thereof.

- (4) All meters that are in possession of any Waterworks customer and are damaged, for any reason, shall be replaced at the Waterworks customer's expense and remain the property of the Waterworks.
- (5) If for any reason Waterworks equipment and personnel are requested for assistance to another municipality, there shall be a charge of \$50.00 per hour from time of departure to time of return plus the cost of labor.
- (6) Any check issued in payment to the Waterworks for any reason and returned to the Waterworks for a reason of insufficient funds shall be charged to the customer at a rate of \$25.00 per incident.
- (7) Notwithstanding anything else to the contrary herein, the use of water from the City's Waterworks System on any site where a new improvement is being constructed shall be governed as follows:
 - (a) Water from the City's Waterworks System shall not be utilized at the construction site of a new improvement unless a permit is first obtained from the office of the City's Waterworks Superintendent.
 - (b) The owner of the real estate on which the new improvements are being located shall be responsible for obtaining such permit although the owner may appoint another party who may obtain such a permit on the owner's behalf.
 - (c) There shall be no fee for the above referenced permit. However, the owner shall be responsible for the payment of Ten Dollars (\$10.00) plus sales tax per calendar month, and any portion of a calendar month, that such permit shall be effective.
 - (d) Once a permit is obtained, the owner may tap into the Waterworks System on the site of the new improvements. The actual tap into the Waterworks System must be performed in the presence of the Superintendent of the Waterworks System or his nominee.
 - (e) During the effective term of the above-referenced permit the owner or his nominee may utilize water from the Waterworks System for purposes of testing pipes, mixing cement or mortar, or for other general construction purposes. Water from the City's Waterworks System may not be utilized pursuant to such permit for the use of human consumption or habitation of the improvement or, for any other non-general construction purpose.

- (f) Failure to pay any bill on the 10th day of the month following the issuance of any bill shall result in the immediate disconnection of water service. Use of water from the Waterworks System for a purpose in violation of paragraph G.7 (e) of this Section 1 shall result in the immediate issuance by the Superintendent of the Waterworks System of an order requiring such prohibited use to cease immediately. A violation of such order after it is posted on the premises shall result in a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00). Each day in which a violation occurs shall constitute a separate violation.
- (g) Upon completion of any new improvement or the need for water services for the construction of any new improvement, whichever shall first occur, the owner or his nominee shall notify the office of the Superintendent of the City's Waterworks and, the Superintendent shall cause the service to be disconnected. Monthly charges shall continue to accrue until such notice has been received.
- (h) Service from the City's Waterworks System shall not be re-connected to the completed improvement nor shall a water meter be installed until the owner or his or her nominee shall have given evidence to the Superintendent of the Waterworks System that a certificate of occupancy and all inspections necessary therefore have been issued for such new improvement by the City.

SECTION 2. All bills shall be rendered monthly by the 15th day of the month for the previous month's service and shall be payable upon receipt. If said monthly bill remains unpaid of the first day of the next consecutive month, a charge of 10% of the first \$3.00 and 3% of all over \$3.00 of said bill shall be assessed as a penalty. If any such monthly bill shall remain unpaid on the 10th day of the following month, the Waterworks may discontinue service to any such delinquent customer. If the 10th day of such month falls on a Saturday, Sunday or holiday, such discontinuance of service may be postponed until the next working day.

The Clerk-Treasurer is hereby authorized and directed to cause the Superintendent of the Waterworks or other employee in charge of the operation thereof to shut off and reinstate water service in accordance with provisions of this Ordinance.

SECTION 3.

- A. Service pipes intended to supply two (2) or more distinct premises or tenants must be provided with a separate stopcock for each tenant to premises on the outside of each premises. Where only one (1) stopcock is used, the owner of said service shall pay the water rates for parties who are thus supplied, and on the failure of any one of said parties to pay the water rates when due, or to comply with the rules and regulations of the Waterworks System, the supply of water will be withheld without any liability on the part of the City to any of said parties.

- B. All real property owners and tenants are strictly prohibited from furnishing water or allowing the same to be taken from their hydrants or fixtures by any other person unless such owners and/or tenants secure permission from the Waterworks Superintendent.
- C. No person shall take water from any fire hydrant except for fire purposes or, except upon permission of the Waterworks Superintendent.
- D. All persons and entities are forbidden to cover up or in any way interfere with any curb-box, valve-box, or hydrant.
- E. All customers or persons and/or entities utilizing the Waterworks System may have their access to the water supply cancelled for any of the following reasons:
 - (1) The wasting or improper use of water through the use of defective or imperfect fixtures, or in any other manner.
 - (2) For refusal or neglect to pay bills promptly or any other charges accruing in the matter and at the time herein provided.
 - (3) For interference or tampering with the water meter, box meter seals, or any service of appliance of the Waterworks System used for controlling or regulating the supply of water.
 - (4) For failure to apply for a permit in case of change of ownership or tenancy.
 - (5) For defrauding in any other manner the Waterworks Department.
 - (6) For not constructing water services according to this Ordinance and any other applicable ordinance, rule, or regulation.
 - (7) For failure to allow and/or preventing directly or indirectly, the City employee or representative designated by the Waterworks Superintendent from reading any meter on the premises within sixty (60) days after a written request to allow such a reading has been either 1) mailed by certified mail, return receipt requested, to the customer at the address of the premises or at the billing address previously tendered by the customer; 2) delivered in person to the customer or to a party residing at the premises or an employee of an entity occupying the premises; or 3) left at the premises. No such notice may be issued until at least 120 days after the last reading of such meter.
- F. Any person or entity vacating any premises without paying all water rents due up to the time of such vacation shall not thereafter be supplied with water at any location through any service, until all back water and service charges are paid.

SECTION 4. All Ordinances and portions of Ordinances in conflict herewith are repealed.

SECTION 5. This Ordinance shall be in full force and effect on the first day of the next billing period of the Waterworks System immediately following the passage of this Ordinance.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NAPPANEE, INDIANA ON THE 15th DAY OF November, 2010.

/S/ Kimberly A. Ingle
Kimberly A. Ingle, Clerk-Treasurer

PRESENTED TO ME AND APPROVED BY ME THIS 15th DAY OF November, 2010.

/S/ Larry L. Thompson
Larry L. Thompson, Mayor