

**ORDINANCE NO. 2019-4**

**AN ORDINANCE AMENDING TITLE 6, ARTICLE 11, CHAPTER 1 OF THE TOWN CODE OF THE TOWN OF MILFORD, INDIANA, REGARDING THE RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WASTEWATER WORKS SYSTEM OF THE TOWN**

WHEREAS, the Town Council of the Town of Milford, Indiana (the "Town") has authorized a financial study of the operational requirements of the Milford municipal wastewater works system (also referred to as the sewage works system) of the Town (the "System"); and

WHEREAS, the Town has heretofore, pursuant to Ordinance No. 2017-2 adopted by the Town Council of the Town on February 13, 2017, established rates and charges for the use of and the services rendered by the System which rates and charges are set forth in Title 6, Article 11, Chapter 1 of the Town Code of the Town; and

WHEREAS, the Town Council now finds that the existing rates and charges for the use of and the services rendered by the System are too low and are insufficient to enable the Town to pay all expenses incidental to the operation of the System, provide for the payment of the principal of and interest on the sewage works revenue bonds, provide adequate money to be used as working capital and provide adequate money for improving or replacing the System; that the proposed improvements will improve the service rendered by the System and make the same of greater value to the Town and its inhabitants, and that the existing rates and charges should be increased.

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

SECTION 1. Rates and Charges. The wastewater rates and charges set forth in § 6-11-1 of the Town Code are hereby amended, commencing with the first billing period practically possible following the adoption of this Ordinance to read as set forth on Exhibit A attached hereto.

SECTION 2. Amendment and Restatement of 6-11-1 of the Town Code. Title 6, Article 11, Chapter 1 of the Town Code is hereby amended and restated in its entirety as set forth on Exhibit A.

SECTION 3. Prior Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted this 13 day of May, 2019.

TOWN COUNCIL OF THE TOWN OF  
MILFORD, INDIANA

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Vice President

  
\_\_\_\_\_  
Member

ATTEST:

  
\_\_\_\_\_  
Patricia Gall, Clerk-Treasurer

EXHIBIT A

Title 6  
Public Works and Facilities  
Article 11  
Wastewater Rates and Charges  
Chapter 1

**6-11-1-1 Wastewater Rates and Charges Established**

That there shall be and there is hereby established for the use of and the services rendered by the wastewater works system of the Town of Milford, Indiana (the "Town") the following rates and charges (fees), based on the amount of water used on the affected property supplied by said wastewater works system:

a. Wastewater Billing

**Rates Based on Water Usage**

<u>Quantity of Water Used Monthly</u>	<u>Rate per Thousand Gallons</u>
First 2,000	\$12.63
Next 8,000	10.62
Next 25,000	8.95
Next 65,000	7.01
Over 100,000	5.04

**Minimum Monthly Bill**

<u>Meter Size</u>	<u>Gallons Allowed</u>	<u>Amount per Bill</u>
5/8" – 3/4"	2,000	\$25.26
1"	3,205	38.06
1 1/4"	5,813	65.75
1 1/2"	9,170	101.41
2"	15,407	158.61
3"	68,855	571.29
4"	145,000	1,016.42
6"	245,885	1,524.88

b. Except as otherwise herein provided, wastewater fees shall be based on the quantity of water used on or in the property that is subject to such rates and charges, as the same is measured by the water meter therein used.

c. Residential, commercial, or industrial customers outside the town limits which are connected to the wastewater works system shall pay an additional 14% outside surcharge on their total sewage bill.

**Wastewater Billing – Outside Users**

**Rates Based on Water Usage**

<u>Quantity of Water Used Monthly</u>	<u>Rate per Thousand Gallons</u>
First 2,000	\$14.40
Next 8,000	12.11
Next 25,000	10.20
Next 65,000	7.99
Over 100,000	5.75

<u>Minimum Monthly Bill</u>	<u>Gallons</u>	<u>Amount per Bill</u>
<u>Meter Size</u>	<u>Allowed</u>	
5/8" – 3/4"	2,000	\$28.80
1"	3,205	43.39
1 1/4"	5,813	74.98
1 1/2"	9,170	115.63
2"	15,407	180.83
3"	68,855	651.18
4"	145,000	1,158.78
6"	245,885	1,738.87

d. A statement of wastewater charges shall be mailed to each wastewater customer on or about the 1st business day of the billing month. If a wastewater user fails to pay assessed wastewater fees on or before the 15th day of the billing month, a penalty of 10% of the bill shall be added to the current outstanding wastewater charges.

e. Wastewater fees are payable by the owner of each lot, parcel or real property, or building that:

1. is connected with to the municipal wastewater works system; or
2. uses or is serviced by the wastewater works system.

f. Wastewater tap-on fees: The standard residential fee for tapping onto the Town's wastewater works system is \$550.00. The standard commercial fee for tapping onto the Town's wastewater works system is \$975.00. The standard industrial fee for tapping onto the Town's wastewater system is \$1,800.00. Residential, commercial, or industrial outside the Town limits that tap onto the Town's wastewater works system shall pay the following fees: Residential \$825.00, commercial \$1,462.50 and industrial \$2,700.00.

g. The Town Council shall make and enforce such by-laws and regulations as may be deemed necessary for the sale, economic and efficient management of the Town's wastewater works system and for the construction of and use of house wastewaters and connections to the wastewater works system, and for the regulation, collection, rebating and refunding of rates and charges.

h. The Town is hereby authorized to prohibit dumping of waste in the Town's wastewater works system which, in the Town's sole discretion, is harmful to the operation of the wastewater works, or to require methods of effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town.

i. The Town Council is hereby authorized to enter into special rate contracts with customers of the wastewater works for clearly definable reductions if cost to the wastewater works can be determined, and such reduction shall be limited to such reduced costs.

j. If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court or competent jurisdiction such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

k. In order that the domestic and residential uses of wastewater service shall not be penalized for sprinkling lawns during the months of June and July, the billing for wastewater service for residences and domestic users for said summer months shall be based upon the water usage for the prior month of February. In the event the water usage for the prior February is greater than the usage for June and July, the billing for wastewater services shall be computed on the actual amount of current usage. Domestic and residential wastewater service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building in which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a resident, commercial or industrial property has a portion of its water used for sprinkling. The owner shall have the privilege of separating the water service. A water meter shall be installed to register the water usage so it can be billed separately without wastewater charges.

l. In the event two (2) or more dwelling units, such as mobile homes, apartments, housekeeping rooms, discharge sanitary waste water, water or other liquids into the town's sanitary wastewater 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 not be less than the number of such dwelling units times the applicable minimum amount charged for a similarly situated property per billing period. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home located and installed in said court plus any other dwelling unites served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space in which cooking facilities are provided.

m. Except for billings to multiple users such as apartment houses, mobile home courts and housekeeping rooms, the rates and charges may be billed the tenant or tenants occupying the properties served unless otherwise requested in writing by the owner, but such billings shall in no way relieve the owner from liability in the event payment is not made as herein required. The owner of the respective property served which is occupied by tenants shall have the right to examine the collection records of the Town for said purpose of determining whether such rates and charges have been paid by such tenants, provided that such examinations shall be made at the office at which said records are kept during the hours that such office is open for business.

n. In the event a lot, parcel of real estate or building discharging sanitary wastewater, industrial waste, water or other liquids into the Town's sanitary wastewater system, either directly or indirectly, uses water from a non-municipal source which is not measured by a water meter, or is measured by a meter not acceptable to the Town, then the owner or other interested party, at his expense, shall, at the Town's request, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town.

o. Domestic users who do not have municipal water lines within 300 feet of their property shall be charged a flat rate equal to the applicable minimum charged for an equivalent residential unit.

**6-10-1-2 Surcharges for Excess Discharge of Chemicals and Solids**

a. In order that the Town may equitably charge the users of its facility, the Town may impose surcharges on the existence of certain suspended solids, chemicals, or waters with excess biochemical oxygen demand.

b. Surcharges are hereby established on all admission into the public sewers of any waters or waste in excess of the levels established under Town Code 6-5-1-1 (G), as follows:

**Inside User**

- |    |        |  |
|----|--------|--|
| 1. | \$0.85 | per pound for waste or waters with excess biochemical oxygen demand (BOD). |
| 2. | 0.85   | per pound for suspended solids.  |
| 3. | 2.20   | per pound for ammonia nitrate.   |
| 4. | 3.39   | per pound for excess phosphorus.   |
| 5. | 1.69   | per pound for excess fats, wax, grease or oils, whether emulsified or not. |

**Outside User**

- |    |        |  |
|----|--------|--|
| 1. | \$0.97 | per pound for waste or waters with excess biochemical oxygen demand (BOD). |
| 2. | 0.97   | per pound for suspended solids.  |
| 3. | 2.51   | per pound for ammonia nitrate.   |
| 4. | 3.86   | per pound for excess phosphorus.   |
| 5. | 1.93   | per pound for excess fats, wax, grease or oils, whether emulsified or not. |