

ORDINANCE NO. 2009-14

**AN ORDINANCE ESTABLISHING
A SCHEDULE OF RATES AND CHARGES
COLLECTED BY THE TOWN OF NASHVILLE, INDIANA
FROM THE OWNERS OF PROPERTY SERVED
BY THE SEWAGE WORKS OF SAID TOWN**

WHEREAS, the Town has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized construction of improvements hereto; and

WHEREAS, it is necessary to establish a new schedule of expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, and to pay the principal and interest on outstanding and proposed revenue bonds in accordance with the applicable bond ordinance; now, therefore

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE,
INDIANA:**

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

- a) "Council" shall mean the Town Council of Nashville, Indiana, or any duly authorized officials acting in its behalf.
- b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- c) "Town" shall mean the Town of Nashville, Indiana, acting by and through the Town Council.
- d) "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- e) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".
- f) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade, or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- h) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 250mg/l
SS not more than 240mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

- i) "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 to all related Federal, State, and Local requirements. (These costs include replacement.)
- j) "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.
- k) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
- l) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage works which were designed and constructed.
- m) "SS" (or suspended solids) shall have the same meaning as provided in the Sewer Use Ordinance.
- n) "Shall" is mandatory; "May" is permissive.
- o) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- p) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and the use of public and private sewers.
- q) "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.
- r) "Users Class" shall mean a charge levied on users of the 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).
- s)
 - i. 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.
 - ii. Commercial User shall mean any establishment involved in a commercial enterprise, business, or service which based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - iii. Institutional User shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - iv. Governmental User shall mean any Federal, State, or Local governmental user of the wastewater treatment works.
 - v. Industrial User shall mean any manufacturing or processing facility that discharges industrial waste into a publicly owned treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charges 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 which is 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. The various classes of users of the treatment works for the purposes of this Ordinance shall be as follows:

Class I	<u>Inside Town</u>	Class II	<u>Outside Town</u>
	Residential		Residential
	Commercial		Commercial
	Governmental		Governmental
	Institutional		Institutional
	Industrial		Industrial

Section 3. 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 Town sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Nashville. Such rates and charges include user charges, debt service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- a) The sewage rates and charges shall be based 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, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewer service, the water meters shall be read monthly and the users shall be billed monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges are determined shall be as follows:

All Users

- 1) Treatment rate for usage per month shall be:

<u>Rate per 1,000 gallons</u>	<u>Class I</u>	<u>Class II</u>
First 2,000 gallons	\$5.83	\$7.27
Next 8,000 gallons	\$5.99	\$7.45
Over 10,000 gallons	\$6.21	\$7.74

- 2) Base rate for all users shall be as follows:

<u>Meter Size</u>	<u>Monthly Base Rate</u>
5/8"-3/4" water meter	\$20.00
1" water meter	\$38.67
1 1/4" water meter	\$57.34
1 1/2" water meter	\$79.34
2" water meter	\$131.69
3" water meter	\$293.19
4" water meter	\$504.27
6" water meter	\$1,137.38

Pump Station Fee

All users with simplex pump stations maintained by the town and serviced by a 5/8" water meter service shall have a monthly fee of \$8.44 added to the monthly base rate.

- b) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent 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 as follows:

<u>Residential</u>	<u>Monthly Rate in Town</u>	<u>Monthly Rate Outside Town</u>
Single Family Residence/unit	\$49.22	\$61.54

- c) Connection Fees

Gravity Connection

Connection fees based upon a gravity sewer connection within twenty (20) feet of an existing gravity sewer:

- 1) Four inch (4") sewer tap, primarily single-family residences and small businesses serviced by a 5/8" water meter \$2,000.00.

Gravity sewer connections requiring work and/or materials beyond that described above shall be charged for any additional costs of labor, material, power, machinery, transportation, and overhead for installing the connection. However, such connection shall not be less than the charge of a 5/8" water meter.

Pressure Connection

Connection fees based upon a pressure sewer connection within twenty (20) feet of an existing sewer main.

- 1) *Simplex pumping station, single family residences and small businesses serviced by a 5/8" water meter \$6,200.00.*
- d) For the service rendered to the Town of Nashville, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- e) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual costs of monitoring. This charge will be reviewed on the same basis as all other rates and charges on this ordinance.

- f) Whenever an extension of a sewer service main requires work over and above that of a four (4) inch sewer tap, an additional review fee of \$190.00 shall be charged and is to be paid prior to beginning review. Whenever the review of sewer requires work and/or materials in excess of six (6) hours and/or \$190.00, then the review fee shall be based on time and materials used in performing the review.

Section 4. The quantity of water discharged into the sanitary sewer system and obtained from sources other than the utility that services the Town shall be determined by the Town in such a manner that the Town shall reasonably elect and the sewage services shall be billed at the above allowances in determining the sewage consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

- a) In the event of a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the Town's sewer system, either directly or indirectly, is not a user of water supplied by the Nashville Water Utility, 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 Town, then the amount of water used shall be otherwise measured or determined by the Town. 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, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewer, either directly or indirectly, is a user of water supplied by the water utility serving the Town and in addition is a user of water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or otherwise interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- c) In the event a lot, parcel or real estate, or building discharges sanitary sewage, industrial waste, water or other liquids into the Town sewer system, either directly or indirectly, and uses water in excess of 39,000 gallons per month and it can be shown to the satisfaction of the Town that a portion of the 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, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Town for determination of sewage discharge.
- d) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may be justly and equitable adjusted to the services rendered to the users, the Town shall base its charges not only on the volume, but also the 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 sewer system, in such a manner and by such method as the Town may deem practicable in light of

the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid or suspended solids in excess of 240 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be based on the following:
 1. Rate Surcharges Based on Suspended Solids
There shall be an additional charge of 20 cents per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.
 2. 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 250 milligrams per liter of fluid.
- b) The determination of Suspended Solids and five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewer, and Industrial 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'", Regulations CFR Part 136, published in the Federal Register on October 16, 1973.
- c) In the event that septage is discharged into the wastewater facility, a charge of \$51.77 per 1,000 gallons shall be in force. A minimum charge of 1,000 gallons shall be charged for each visit.

Section 6. Such rates and charges shall be prepared, billed, and collected by the Town of Nashville in the manner provided by law and Ordinance.

- a) The rates and charges for all users shall be prepared and used monthly.
- b) The rates and charges may be billed to the tenant or tenants occupying the properties served, if requested by the owner in writing, but such billing shall in no way relieve the owner from liability in the event that 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 for the Town 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 the office is open for business.
- c) 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 rates or charges shall thereupon be added thereto per month. The time at which such rates or charges shall be paid is now fixed at seventeen (17) days after the date of mailing of the bill.

Section 7. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the Town's sewage system, pumping stations and for the regulation, collection, rebating, and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town, 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 sewer works.

Section 8. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of the ordinance which can be given effect without such invalid part or parts.

Section 9. The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable costs to the sewage works can be determined, as such special rates shall be based on such costs.

Section 10. That rules and regulations promulgated by the Town, after approval by the Town Council, shall among other things provide for an appeals procedure whereby the user shall have the right to appeal a decision of the administrator of the user charge to the Town Council and that any decision concerning user charges of the Town Council may be appealed to the Circuit Court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 11. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

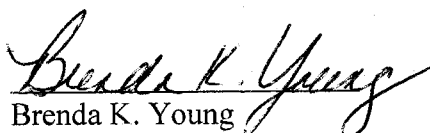
The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 12. The rates and charges as herein set forth shall become effective on the 1st day of FEBRUARY, 2010 billing period.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage and approval by the Town Council for the Town of Nashville.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, BROWN COUNTY, INDIANA, THIS 22ND DAY OF DECEMBER, 2009.

ATTEST:



Brenda K. Young
Clerk-Treasurer

 yea nay abstain
Roger Kelso, Council President

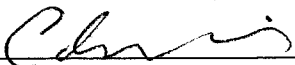
_____ yea nay abstain
Robert Kirlin, Council Vice President

Drafted by the Nashville
Town Superintendent
under the supervision of the
Nashville Town Attorney


_____ yea nay abstain
R. Sean Cassiday, Council Member



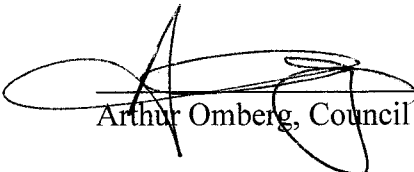
Roger Bush
Town Superintendent



Charles King, Council Member ☒ yea ☐ nay ☐ abstain



James Roberts
Town Attorney



Arthur Omberg, Council Member ☒ yea ☐ nay ☐ abstain