

BILL NO. G-14-07-12 – (AS AMENDED)

GENERAL ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 51 OF
THE CITY OF FORT WAYNE CODE OF ORDINANCES**

WHEREAS, pursuant to Indiana Code 36-9-23-25, the Common Council of the City of Fort Wayne Indiana has enacted a User Charge System and a Sewer Use Ordinance as contained in Chapter 51 of the Fort Wayne Code of Ordinances; and

WHEREAS, Indiana Code 8-1.5-3-8 states that rates and charges of municipally owned utilities are unlawful if they are too low to produce income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient services, and

WHEREAS, the City of Fort Wayne is subject to a Consent Decree, effective April 1, 2008, wherein the City must construct certain facilities at certain times within 18 years from the effective date to achieve certain specified levels of control over combined sewer overflows. Further, Fort Wayne must avoid sanitary sewer overflows and must report timely on progress and events or pay per diem fines and penalties for failure to meet deadlines, milestones or for failure to provide sufficient maintenance; and

WHEREAS, the Water Pollution Control Utility has developed plans for investments in high value combined sewer system projects, projects to build capacity in the sanitary sewer interceptors for future economic growth and development, a continuation of pipeline rehabilitation work, and preventative maintenance programs for maintenance sufficiency; and

WHEREAS, Water Pollution Control Plant, sewer capacity and water quality capital projects have been incorporated into a long-term plan for sewer improvements -- the next six years (2015 – 2020) of which are included in the sewage works Capital Improvement Program (CIP); and

WHEREAS, upon review of the sewage works Capital Improvement Program, the Board of Public Works of the City of Fort Wayne, in accordance with I.C. 36-9-23-25 now finds that existing rates and charges for the use of and services rendered by the Water Pollution Control Utility do not provide sufficient revenue to:

- (a) Pay all expenses incidental to the operation of the sewage works as defined in 36-9-1-8, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;
- (b) Provide the sinking fund required by Indiana Code 36-9-23-21 for proposed debt; and
- (c) Provide adequate money for improving and replacing the sewage works, specifically those projects that are required by the Consent Decree; and

WHEREAS, a series of adjustments in treatment, conveyance and other rates and fees rates shown herein, are needed to fund the sewer CIP projects for the next six years (2015 – 2020) and meet the requirements of Indiana Code 36-9-23-25; and

WHEREAS, the Board of Public Works of the City of Fort Wayne did, on July 2, 2014 resolve that it is in the best interest of the Fort Wayne Water Pollution Control Utility, in order to provide income sufficient to maintain the utility property in a sound physical and financial condition to be able to render adequate and efficient service to its users while implementing the recommendations of the Sewer Advisory Group and requirements of the Consent Decree, and the Utility's approved six-year CIP to revise sewage rates charged to all sewage works users as shown herein for the years listed, effective January 1st of each respective year, and did recommended that such changes be adopted by Common Council by way of amendment to Chapter 51 of the Fort Wayne Code of Ordinances; and

WHEREAS, the Common Council now finds the sewer rates for the next five years are insufficient pursuant to Indiana Code 36-9-23-25 to meet the needs of the Fort Wayne Water Pollution Control Utility (sewage works), including capital projects planned for the next six years; and

WHEREAS, the Common Council of the City of Fort Wayne now finds it is in the best interest of the Fort Wayne Water Pollution Control Utility, in order to provide income sufficient to maintain the utility property in a sound physical and financial condition to be able to render adequate and efficient service to its users while implementing the recommendations of the Sewer Advisory Group and requirements of the Consent Decree, and the Utility's six-year CIP to revise

sewage rates charged to all sewage works users as shown herein for the years listed, effective January 1st of each respective year.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA;**

SECTION 1. That the following sections or subsections of Chapter 51 of the Fort Wayne Code of Ordinances be amended as follows with all other sections to remain unchanged:

51.001 DEFINITIONS

(The following is to be added in the appropriate location, alphabetically)

CONTRACT CUSTOMER. Any user of the City Utilities Water Pollution Control Utility that has signed a long-term contract committing to send sewage flows to the Fort Wayne treatment works for treatment; and that has provided growth projections and estimated average daily flows that allow Fort Wayne to reserve capacity in the collection and treatment system for such flows; and that has committed – via contract – to control peak flows or pay penalties for exceedances; or which has customers for whom Fort Wayne does not provide direct account management and other administrative services and does not provide direct sewage collection and conveyance services; or any customer that has – by contract – has committed themselves to terms and conditions that are not applicable to retail customers. Users that do not meet these criteria shall be considered retail users.

(To be deleted and replaced as follows)

CAPITAL IMPROVEMENT SURCHARGE. The additional charges for sewage service collected from retail sanitary sewer users discharging sewage to the water pollution control utility from a capital improvement surcharge area designated to be responsible to contribute to the payment of costs associated with installation, adjustment or other improvements to the water pollution control utility intended to serve the capital improvement surcharge area.

51.069 METERED RETAIL USER CHARGES (delete existing and replace)

(A) Metered retail users include residential, industrial, commercial, institutional and governmental users.

(B) Hereinafter, the terms “inside city” or “outside city” shall be read to distinguish the users located within or outside the corporate boundaries of the City of Fort Wayne. Users designated as outside city who are within an annexation area shall, upon the effective date of annexation, be designated as inside the city and inside city rates and charges shall apply.

(C) Inside city charges for metered consumption, service charges, and for flat user charges (Section 51.070) are 20% less than for outside city users.

(D) *Inside city consumption and service charges.*

(1) *Consumption charge.* Monthly charges for services rendered to users within the corporate boundaries of the City of Fort Wayne shall be based on metered water consumption, unless otherwise measured, in accordance with the following charges for this classification of service:

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per month	\$ 2.5983	\$ 2.8643	\$ 3.0593	\$ 3.0797	\$ 3.2550
Collection and Conveyance	Per ccf per month	\$ 1.8223	\$ 1.9317	\$ 2.1184	\$ 2.3628	\$ 2.6091
Total	Per ccf per month	\$ 4.4206	\$ 4.7960	\$ 5.1777	\$ 5.4425	\$ 5.8641

(2) *Service charge.* In addition to the consumption charge, users inside the city shall be billed a monthly service charge based on water meter size:

Meter size	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
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5/8" – ¾"	Per meter per month	\$ 8.80	\$ 9.50	\$10.26	\$12.07	\$13.03
1"	Per meter per month	\$15.72	\$17.24	\$18.96	\$23.43	\$25.50
1 ½"	Per meter per month	\$30.93	\$34.27	\$38.10	\$48.41	\$52.92
2"	Per meter per month	\$50.29	\$55.94	\$62.46	\$80.20	\$87.82
3"	Per meter per month	\$110.22	\$123.02	\$137.86	\$178.61	\$195.85
4"	Per meter per month	\$188.59	\$210.74	\$236.46	\$307.30	\$337.12
6"	Per meter per month	\$423.70	\$473.90	\$532.26	\$693.37	\$760.93
8"	Per meter per month	\$751.47	\$840.78	\$944.64	\$1,231.60	\$1,351.77
10"	Per meter per month	\$1,171.44	\$1,310.85	\$1,473.02	\$1,921.22	\$2,108.81

(E) *Outside city consumption and service charges.*

(1) *Consumption charge.* Monthly charges for services rendered to users outside the corporate boundaries of the City of Fort Wayne shall be based on metered water consumption, unless otherwise measured, in accordance with the following charges for this classification of service:

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per month	\$ 3.2478	\$ 3.5803	\$ 3.8241	\$ 3.8496	\$ 4.0687
Collection and Conveyance	Per ccf per month	\$ 2.2778	\$ 2.4146	\$ 2.6480	\$ 2.9535	\$ 3.2613
Total	Per ccf per month	\$ 5.5256	\$ 5.9949	\$ 6.4721	\$ 6.8031	\$ 7.3300

(2) *Service charge.* In addition to the consumption charge, outside city users shall be billed a monthly service charge based on water meter size:

Meter size	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
5/8" – ¾"	Per meter per month	\$ 11.00	\$ 11.87	\$ 12.82	\$ 15.08	\$ 16.28
1"	Per meter per month	\$ 19.65	\$ 21.54	\$ 23.70	\$ 29.28	\$ 31.87
1 ½"	Per meter per month	\$ 38.66	\$ 42.83	\$ 47.62	\$ 60.50	\$ 66.14
2"	Per meter per month	\$ 62.86	\$ 69.92	\$ 78.07	\$100.24	\$109.77
3"	Per meter per month	\$137.77	\$153.77	\$172.32	\$223.26	\$244.81
4"	Per meter per month	\$235.73	\$263.42	\$295.57	\$384.12	\$421.40
6"	Per meter per month	\$529.62	\$592.37	\$665.32	\$866.71	\$951.16
8"	Per meter per month	\$939.33	\$1,050.97	\$1,180.80	\$1,539.50	\$1,689.71
10"	Per meter per month	\$1,464.30	\$1,638.56	\$1,841.27	\$2,401.52	\$2,636.01

51.070 FLAT RETAIL USER CHARGES (delete existing and replace)

(A) *Flat user charges inside City.* In the event that any inside city user is not a metered water customer, there shall be imposed a monthly flat charge as follows:

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Single family residential dwelling	Per ERU per month	\$ 48.59	\$ 50.27	\$ 51.68	\$ 55.61	\$ 59.94

per month						
All unmetered customers other than single family residential dwelling per month	Per ERU per month	To be calculated by City Utilities	To be calculated by City Utilities	To be calculated by City Utilities	To be calculated by City Utilities	To be calculated by City Utilities

The utility shall retain documentation supporting its ERU determination and billings based thereon. Such determination of billings may be reviewed and adjusted by the utility at any time. Adjustments, additional charges or refunds may only be applied to bills that were due within the past six years.

(B) *Flat user charges outside City.* In the event that any outside city user is not a metered water customer, there shall be imposed a monthly flat charge as follows:

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Single family residential dwelling per month	Per ERU per month	\$ 60.73	\$ 62.84	\$ 64.59	\$ 69.51	\$ 74.92
All unmetered customers other than single family residential dwelling per month	Per ERU per month	To be calculated by City Utilities	To be calculated by City Utilities	To be calculated by City Utilities	To be calculated by City Utilities	To be calculated by City Utilities

The utility shall retain documentation supporting its ERU determination and billings based thereon. Such determination of billings may be reviewed and adjusted by the utility at any time. Adjustments, additional charges or refunds may only be applied to bills that were due within the past six years.

51.071 CONTINUING SURVEILLANCE SAMPLING/WASTE EVALUATION CHARGES (delete existing and replace)

(A) *Surveillance/Evaluation charge inside City.* All inside City users discharging wastes into the system that require continuing surveillance sampling and waste evaluation, shall be subject to the following fixed charges to cover the costs of such services.

Monthly Evaluation

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Type 1 Evaluation	Per discharge point per month	\$ 140.30	\$ 140.30	\$ 140.30	\$ 140.30	\$ 140.30
Type 2 Evaluation	Per discharge point per month	\$ 156.63	\$ 156.63	\$ 156.63	\$ 156.63	\$ 156.63

Evaluation Per Occurrence

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Type 1 Evaluation	Per discharge point	\$ 420.89	\$ 420.89	\$ 420.89	\$ 420.89	\$ 420.89
Type 2 Evaluation	Per discharge point	\$ 469.89	\$ 469.89	\$ 469.89	\$ 469.89	\$ 469.89
Grab Compliance	Per sample	\$ 191.35	\$ 191.35	\$ 191.35	\$ 191.35	\$ 191.35

(B) *Surveillance/Evaluation charge outside City.* All outside City users discharging wastes into the system that require continuing surveillance sampling and waste evaluation, shall be subject to the following fixed charges to cover the costs of such services.

Monthly Evaluation

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Type 1 Evaluation	Per discharge point per month	\$ 140.30	\$ 140.30	\$ 140.30	\$ 140.30	\$ 140.30
Type 2	Per	\$ 156.63	\$ 156.63	\$ 156.63	\$ 156.63	\$ 156.63

Evaluation	discharge point per month					
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Evaluation Per Occurrence

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Type 1 Evaluation	Per discharge point	\$ 420.89	\$ 420.89	\$ 420.89	\$ 420.89	\$ 420.89
Type 2 Evaluation	Per discharge point	\$ 469.89	\$ 469.89	\$ 469.89	\$ 469.89	\$ 469.89
Grab Compliance	Per sample	\$ 191.35	\$ 191.35	\$ 191.35	\$ 191.35	\$ 191.35

51.072 STRENGTH OF WASTE SURCHARGE (delete existing and replace)

(A) Each user discharging wastes into the collection system shall be subject to a Strength of Waste Surcharge, in addition to other sewage service charges imposed by this chapter, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than:

- (1) Biochemical oxygen demand of 300 milligrams per liter.
- (2) Chemical oxygen demand of 600 milligrams per liter.
- (3) Suspended solids content of 300 milligrams per liter.
- (4) Phosphorus content of 10 milligrams per liter.
- (5) Ammonia content of 25 milligrams per liter.

(B) *Strength of waste surcharge inside City.* In the event any inside City user in this classification contributes waste having strength of sewage in excess of domestic waste characteristics, as herein defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Suspended Solids	Per pound per month	\$ 0.1521	\$ 0.1521	\$ 0.1521	\$ 0.1521	\$ 0.1521
Biochemical Oxygen Demand	Per pound per	\$ 0.1164	\$ 0.1164	\$ 0.1164	\$ 0.1164	\$ 0.1164

	month					
Phosphorus	Per pound per month	\$ 1.4990	\$ 1.4990	\$ 1.4990	\$ 1.4990	\$ 1.4990
Ammonia	Per pound per month	\$ 0.2659	\$ 0.2659	\$ 0.2659	\$ 0.2659	\$ 0.2659

The surcharge shall be determined as follows: The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, phosphorus and ammonia will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between, (a) the concentrations measured in milligrams per liter, of the BOD (or COD), suspended solids, phosphorus and ammonia respectively in the user's sewage, and (b) the allowed concentrations set out in 51.072. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

(C) *Strength of waste surcharge outside City.* In the event any outside City user in this classification contributes waste having strength of sewage in excess of domestic waste characteristics, as herein defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Suspended Solids	Per pound per month	\$ 0.1521	\$ 0.1521	\$ 0.1521	\$ 0.1521	\$ 0.1521
Biochemical Oxygen Demand	Per pound per month	\$ 0.1164	\$ 0.1164	\$ 0.1164	\$ 0.1164	\$ 0.1164
Phosphorus	Per pound per month	\$ 1.4990	\$ 1.4990	\$ 1.4990	\$ 1.4990	\$ 1.4990
Ammonia	Per pound per month	\$ 0.2659	\$ 0.2659	\$ 0.2659	\$ 0.2659	\$ 0.2659

The surcharge shall be determined as follows: The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, phosphorus and ammonia will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between, (a) the concentrations measured in milligrams per liter, of the BOD (or COD), suspended solids, phosphorus and ammonia respectively in the user's sewage, and (b) the allowed concentrations set out in 51.072. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

51.073 BULK WASTE CHARGES (delete existing and replace)

(A) *Bulk Industrial Waste Charge.* All industrial waste suitable for disposal, which has been delivered by an approved Waste Hauler to City's plant. For purposes of computing charges hereunder, a **LOAD** is defined as 1,000 gallons of tank capacity or any fraction thereof.

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Discharge	1,000 gallons	\$ 110.22	\$ 110.22	\$ 110.22	\$ 110.22	\$ 110.22
Billing Charge	Per bill	\$ 4.19	\$ 4.19	\$ 4.19	\$ 4.19	\$ 4.19

(B) *Domestic.* All domestic waste delivered to the city's plant by customer's truck or tank. For purposes of computing charges hereunder, a **LOAD** is defined as 1,000 gallons of tank capacity or any fraction thereof.

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Discharge	1,000 gallons	\$ 57.93	\$ 57.93	\$ 57.93	\$ 57.93	\$ 57.93
Billing Charge	Per bill	\$ 4.19	\$ 4.19	\$ 4.19	\$ 4.19	\$ 4.19

(C) *Manifest.* All bulk waste loads delivered to the Water Pollution Control Plant shall be accompanied by a "Waste Hauler Manifest," the form for which will be provided by the city.

51.074 OTHER RATES AND CHARGES (as approved by Ordinance No. G-16-14 and moved from Section 51.077.5).

- (A) *Food Service Establishment Surcharge.* \$ 1.0129 per ccf per month
 (B) *Tap Inspection Fee.* \$ 75.00 per inspection
 (C) *Meter on Well Installation.* \$254.00 per installation
 (D) These charges are subject to change as warranted and authorized by Ordinance.

51.075 MONTHLY CAPITAL IMPROVEMENT SURCHARGE (as approved by Amended Ordinance No. G-25-13 and moved from Section 51.077)

(A) All classifications of users subject to a capital improvement surcharge shall pay the applicable surcharge in addition to other sewage service charges imposed by this chapter. Capital improvement surcharges shall remain in effect until the cost of the intended installations, adjustments or improvements to the water pollution control utility has been retired and the capital improvement surcharge area has been retired.

(B) The designated capital improvement surcharge areas, the respective amount of the surcharges, and frequency of the surcharges include the following:

Capital Improvement Surcharge Area	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Deer Track Area	Per ERU Per month	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00
Neuhaus Extension	Per ERU Per month	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00
Rothman Road Area	Per ERU Per month	\$ 22.50	\$ 22.50	\$ 22.50	\$ 22.50	\$ 22.50
Southtown Center Area	Per ERU Per month	\$ 4.00	\$ 4.00	\$ 4.00	\$ 4.00	\$ 4.00
Tiernam Shed B	Per ERU Per month	\$ 22.50	\$ 22.50	\$ 22.50	\$ 22.50	\$ 22.50
Upper Ely	Per ERU Per month	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00
Zanesville	Per ERU Per month	\$ 12.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ 0.00

51.076 AREA CONNECTION FEES (as approved by Ordinance No. G-16-14 and moved from Section 51.076.5)

(A) Area Connection Fee Charges, for areas as designated on Exhibit A.

Southeast	\$350 per ERU
Southtown Centre	\$2,450 per ERU
Tiernan	\$1,200 per ERU
Notestine	\$1,800 per ERU
Rothman	\$2,700 per ERU
North Maumee	\$2,100 per ERU
Central	\$600 per ERU
Neuhaus	\$1,400 per ERU
Southwest	\$750 per ERU
Upper Ely	\$2,000 per ERU
Upper Spy Run	\$1,800 per ERU
Zanesville	\$2,500 per ERU
Deer Track Area	\$2,950 per ERU

(B) These charges are subject to change as warranted and authorized by Ordinance.

(C) Per IC 36-9-23-29(d), proceeds of connection fees collected under this section are to be used as net revenues of the sewage works.

51.077 CONTRACT CUSTOMERS (delete existing and replace)

Contract customer rates are applicable only to those users that meet the criteria described in the definition of a contract customer. If a user does not meet the criteria in the definition of a contract customer, the user will be considered to be a retail customer and retail rates shall apply.

In the event City Utilities consummates a contract to serve as a regional treatment plant to a contract customer the following fees and charges shall apply:

(A) *Treatment charge (per 100 cubic feet).*

(B) *Conveyance charge (per 100 cubic feet).* A variable charge for conveyance and collections costs attributable to each contract customer's portion of the city conveyance system, and operating costs associated therewith, shall be computed by the city and added to the treatment cost to arrive at the contractee's total metered rate.

(C) *Monthly service charge.*

(D) *Surveillance/Evaluation charge.* All contract customers discharging wastes into the system that require continuing surveillance sampling and waste evaluation, shall be subject to 51.071(A) *Surveillance/evaluation charge inside City* to cover the costs of such services.

(E) *Excess strength of waste.* In the event a contract customer user contributes waste having a strength of sewage in excess of domestic waste characteristics, as hereinbefore defined, a surcharge shall be implemented per 51.072(B) *Strength of waste surcharge inside City*.

(F) *Capital surcharge.* In the event a contract customer delivers sewage for treatment to the city for three consecutive billing periods (approximately 90 consecutive days) which is in excess of the base volume limit guaranteed in the contract, then the customer will be subject to a capital surcharge, computed at the capital rate per 100 cubic feet in effect for outside the city customers set out elsewhere herein. The capital rate per 100 cubic feet shall be multiplied by the excess percentage of volume calculated by dividing the daily average for three billing periods by the contracted volume limit (in gallons per day).

(G) *Volumetric Exceedance Fee.* The additional fee for exceedances to the contractual volume limits to be collected from contract customer users discharging sewage to the water pollution control utility. This fee (also defined and specified in contracts under different terminology, such as the "Treatment Plant Capital Surcharge") shall be collected as specified in each contract and calculated as defined by the contract. Such fees shall contribute to the payment of costs associated with operation, installation, adjustment or other improvements to the water pollution control utility intended to serve the contract customer when it discharges flows exceeding the capacity allocated per the contract.

(H) *Peak Flow Exceedance Fee.* The additional fee for exceedances to the contractual peak flow limits to be collected from contract customer users discharging sewage to the water pollution control utility. This fee (also defined and specified in contracts under different terminology, such as "Peak Penalty Rates") shall be collected as specified in each contract and calculated as defined by the contract. Such fees shall contribute to the payment of costs

associated with operation, installation, adjustment or other improvements to the water pollution control utility intended to serve the contract customer when it discharges flows exceeding the capacity allocated per the contract.

(I) *Other provisions.* In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this chapter, City Utilities shall have the right to impose all limitations, charges and penalties applicable to any non- contract customer user. Each contract entered into by City Utilities pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a sewer use ordinance and user charge system acceptable to City Utilities and in conformance with City Utilities' obligations under Sec. 204 (b) (1), Public Law 92-500 as amended and supplemented, and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-1 and 35-928-2 and 35-935-13.

Town of Grabill

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per month	\$ 1.7334	\$ 1.9036	\$ 2.0247	\$ 2.0441	\$ 2.1498
Conveyance	Per ccf per month	\$ 0.4574	\$ 0.4682	\$ 0.5039	\$ 0.4971	\$ 0.5527
Total	Per ccf per month	\$ 2.1908	\$ 2.3718	\$ 2.5286	\$ 2.5412	\$ 2.7025
Monthly Service Charge	Per month	\$2,746.24	\$2,863.58	\$2,996.58	\$3,364.63	\$3,501.90

Leo-Cedarville Regional Sewer District

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per month	\$ 1.7334	\$ 1.9036	\$ 2.0247	\$ 2.0441	\$ 2.1498
Conveyance	Per ccf per month	\$ 0.5514	\$ 0.5644	\$ 0.6074	\$ 0.5993	\$ 0.6664
Total	Per ccf per month	\$ 2.2848	\$ 2.4680	\$ 2.6321	\$ 2.6434	\$ 2.8162
Monthly Service Charge	Per month	\$7,315.24	\$7,627.43	\$7,981.58	\$8,962.63	\$9,328.90

Maysville Regional Sewer District

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per month	\$ 1.7334	\$ 1.9036	\$ 2.0247	\$ 2.0441	\$ 2.1498
Conveyance	Per ccf per month	\$ 0.3273	\$ 0.3350	\$ 0.3605	\$ 0.3557	\$ 0.3955
Total	Per ccf per month	\$ 2.0607	\$ 2.2386	\$ 2.3852	\$ 2.3998	\$ 2.5453
Monthly Service Charge	Per month	\$1,832.24	\$1,910.43	\$1,999.58	\$2,244.63	\$2,336.90

City of New Haven

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per month	\$ 1.7334	\$ 1.9036	\$ 2.0247	\$ 2.0441	\$ 2.1498
Conveyance	Per ccf per month	\$ 0.0852	\$ 0.0872	\$ 0.0939	\$0.0926	\$ 0.1030
Total	Per ccf per month	\$ 1.8186	\$ 1.9908	\$ 2.1186	\$ 2.1367	\$ 2.2528
Monthly Service Charge	Per month	\$6,058.24	\$6,317.43	\$6,610.58	\$7,422.63	\$7,726.90

General Motors

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per month	\$ 1.7334	\$ 1.9036	\$ 2.0247	\$ 2.0441	\$ 2.1498
Conveyance	Per ccf per month	\$ 0.3521	\$ 0.3604	\$ 0.3879	\$ 0.3827	\$ 0.4255
Total	Per ccf per month	\$ 2.0855	\$ 2.2640	\$ 2.4126	\$ 2.4268	\$ 2.5753
Monthly Service Charge	Per month	\$9,485.24	\$9,889.43	\$10,349.58	\$11,621.63	\$12,096.90

Institutional Power Plant

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per	\$ 3.2478	\$ 3.5803	\$ 3.8241	\$ 3.8496	\$ 4.0687

	month					
Conveyance	Per ccf per month	\$ 2.2778	\$ 2.4146	\$ 2.6480	\$ 2.9535	\$ 3.2613
Total	Per ccf per month	\$ 5.5256	\$ 5.9949	\$ 6.4721	\$ 6.8031	\$ 7.3300
Monthly Service Charge	Based on meter size per month as shown in 51.069(C)(2)					

Allen County Regional Water and Sewer District

	Unit of Measure	Effective January 1, 2015	Effective January 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019
Treatment	Per ccf per month	\$ 1.7334	\$ 1.9036	\$ 2.0247	\$ 2.0441	\$ 2.1498
Conveyance	Per ccf per month	\$ 0.9866	\$ 1.0462	\$ 1.1259	\$ 1.0792	\$ 1.1925
Total	Per ccf per month	\$ 2.7200	\$ 2.9498	\$ 3.1506	\$ 3.1233	\$ 3.3423
Monthly Service Charge	Per month	\$5,430.24	\$5,864.43	\$6,137.58	\$6,695.63	\$6,924.90

51.078 delete

51.079 delete

SECTION 2. The rates moved to Sections 51.074 and Section 51.076 have been approved and established by Council in Ordinance No.G-16-14. The intent of this Ordinance is not to establish a new fee or adjust the fees appearing in that section and only to move those Sections to be consistent with the rest of this Ordinance.

SECTION 3. The rates moved to Section 51.075 have been approved and established by Council in Amended Ordinance No. G-25-13. The intent of this Ordinance is not to establish a new fee or adjust the fees appearing in that section and only to move those Sections to be consistent with the rest of this Ordinance.

SECTION 4. The following Section 41.07 shall be amended to delete specific rates and fees from Section 41.07, which also appear in Chapters 51, 52 and 53, for the purposes of clarity.

The fees in Chapter 51 shall be amended in accordance with the rates and fees which are approved by this Ordinance. The fees in Chapters 52 and 53 not being adjusted by this Ordinance and shall remain in effect. Section 41.07 shall be amended as follows:

41.07 COMPREHENSIVE FEE, FINE AND PENALTY SCHEDULE.

Delete (~~striketrough~~) and Replace (**bold**) as follows:

51	SEWERS		
053	Private sewage disposal construction permit:	New: \$75; Repair: \$50; Revision: \$20/modification	Fee
054	installers registration	\$40—annually	Fee
059	General penalty for this chapter	\$500	Fine
069(A)	Sewage—In-City Residential User Charges per 100 cubic feet	Treatment: \$1.9438; Conveyance and collection: \$2.0524; Total: \$3.9962	Fee
069(A)	Sewage billing charge—In-City	\$5.68	Fee
069(B)	Sewage—Outside-City Residential User Charges per 100 cubic feet	Treatment: \$2.4298; Conveyance and collection: \$2.5656; Total: \$4.9954	Fee
069(B)	Sewage billing charge—Outside-City	\$7.10	Fee
069(D)	Single-family Dwelling flat Rate charges: In-City	\$54.64	Fee
069(D)	Single-family Dwelling flat Rate charges: Outside-City	\$57.05	Fee
069(D)	Multifamily Dwelling flat rate charges	Estimated by City based upon number of units.	Fee
070	Sewage—Industrial User Charges	see \$069(A)	Fee
071	Sewage—Commercial User Charges	see \$069(A)	Fee
	Food Service Establishment Surcharge ***	\$0.9248	
072	Sewage—Institutional User Charges	see \$069(A)	Fee
073	Sewage—Governmental User Charges	see \$069(A)	Fee
074	Sewage—Wholesale Contract Customer Charges	see \$069(A) Treatment	Fee
075	Sewage—Bulk Waste Charges per load	Industrial Waste Charge \$91.34 Domestic Waste Charge \$54.77	Fee
076	Sewage—Strength of Waste surcharge per 100 cubic feet		Fee
	—Suspended Solids	\$0.00060326728	
	—Biochemical Oxygen Demand	\$0.00076966345 \$0.00908328575	

	—Phosphorus	\$0.00233579108	
	—Amonia		
077	Sewage—Capital Improvement surcharge monthly		Fee
	—Neuhause Extension	\$20.00	
	—Tiernan Shed B	\$22.50	
	—Rothman Road	\$22.50	
	—Dear Track	\$47.95	
	—Southtown	\$ 4.00	
	—Upper Ely	\$20.00	
078	Sewage—Continuing surveillance sampling	Type 1—\$137.48 per month Type 2—\$151.48 per month	Fee
999	General penalty for this chapter	\$2500	Fine

Please See Chapter 51 for Sewer Rates and Fees.

52 WATER AND WATERCOURSES			
15	Water Rates—Inside City (<u>100 cu.ft.</u>)		Fee
	—First 2,500 cu.ft.	\$1.49	
	—Next 9,500 cu.ft.	\$1.33	
	—Over 12,000 cu.ft.	\$1.24	
	Water Rates—Outside City (<u>100 cu.ft.</u>)		
	—First 2,500 cu.ft.	\$1.71	
	—Next 9,500 cu.ft.	\$1.66	
	—Over 12,000 cu.ft.	\$1.55	
16	Private Fire protection service	Per annum: For each fire hydrant \$373.73; 2" connection \$41.11; 3" connection \$93.44; 4" connection \$164.44; 6" connection \$373.73; 8" connection \$665.23; 10" connection \$1,038.95; 12" connection \$1,494.90; 16" connection \$2,657.19	Fee
17	Municipal service	\$373.73 per annum per fire hydrant	Fee

Please see Chapter 52 for Water Rates and Fees.

53 STORMWATER MANAGEMENT DEPARTMENT

56	Stormwater Rate	First 199 ERUs \$3.65 per ERU per month; Next 300 ERUs \$3.29 per ERU per month; Over 500 ERUs \$2.92 per ERU per month	Fee
60(B)(3)(a)	Stormwater Discount and credit	\$25 for residential users; \$100 for all others	Fee
71	General penalty for this chapter	\$2500	Fine

Please see Chapter 53 for Stormwater Rates and Fees.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney