

**AN ORDINANCE AMENDING AND RESTATING CHAPTER 52:
WATER AND WATERCOURSES
CITY OF FORT WAYNE, INDIANA CODE OF ORDINANCES**

WHEREAS, the Common Council of the City of Fort Wayne, Indiana ("Common Council"), last approved an adjustment to its water rates and charges in General Ordinance No. 11-19, adopted on May 4, 2019, which was approved by the Indiana Utility Regulatory Commission ("IURC") following presentation and consideration of testimony and exhibits and an evidentiary hearing; and

WHEREAS, General Ordinance No. 11-19 provided for an overall adjustment to the monthly water user rates and charges that would be implemented in five (5) phases; and

WHEREAS, consistent with General Ordinance No. 11-19, Fort Wayne City Utilities ("City Utilities") will implement the Phase IV rates on June 1, 2022, and will implement the Phase V rates on June 1, 2023; and

WHEREAS, the Indiana Legislature ("Legislature") adopted House Bill 1002 ("HB 1002") during the 2022 legislative session in which the Legislature, among other things, repealed Indiana's utility receipts tax and required municipal water utilities such as City Utilities to lower its rates and charges to reflect the repeal of the utility receipts tax; and

WHEREAS, the repeal of the utility receipts tax will result in a lower rate for the monthly user rates and fire protection charges for City Utilities with respect to Phases IV and V; and

WHEREAS, the financial advisor for City Utilities, Baker Tilly Municipal Advisors, has provided a report ("Rate Report") detailing the impact of HB 1002 and the corresponding adjustment to rates that is necessary to comply with such law; and

WHEREAS, in accordance with Indiana Code § 8-1.5-3-8(e), the Board of Public Works of the City of Fort Wayne, Indiana, has: (i) reviewed the Rate Report and recommended that the Common Council approve the rates and charges set forth herein; and (ii) found that such rates and charges shall be sufficient to carry out the obligations of City Utilities, comply with HB 1002, provide a reasonable and fair return on the utility plant of the City, and compensate the City for taxes that would be due to the City on the utility property were it privately owned.

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

3 **SECTION 1.** The Common Council now finds and elects that the rates and
4 charges for water service to be paid by users of the system should be sufficient to carry
5 out the obligations of City Utilities, to provide a fair and reasonable return on the Utility
6 plant of the City, and to compensate the City for taxes that would be due to the City on
the Utility property were it privately owned;

7 **SECTION 2.** The following sections of Chapter 52 of the Fort Wayne Code of
8 Ordinances are hereby amended to adjust the Phase IV and Phase V rates and charges
9 assessed to City Utilities' water customers in accordance with HB 1002 as
10 recommended by Baker Tilly Municipal Advisors. The Phase IV rates and charges shall
11 be effective upon approval of the tariff by the IURC, but no sooner than July 1, 2022.
12 The amendments to the Phase V rates as set forth herein will be effective on June 1,
2023.

13
14 **AMEND SECTION § 52.15 (A) and (B)**

15 **Sec. 52.15 Water Usage Schedule - Inside City**

16 There shall be and hereby are established the following rates and charges for water
17 services provided by City Utilities:

18 (A) Metered rates per month

<u>Metered Rates Per Month</u> (cubic feet)	<u>Rate Per 100 Cubic Feet</u>	
	<u>Phase IV</u>	<u>Phase V</u>
First 2,500 cubic feet	\$2.55	\$2.69
Next 9,500 cubic feet	\$2.37	\$2.51
Over 12,000 cubic feet	\$2.31	\$2.44

24 (B) Monthly service charges. Each user shall pay a monthly service charge, in
25 addition to usage charges calculated under the metered rate schedule, as follows:

<u>Size of Meter</u> (inches)	<u>Monthly Service Charges</u>	
	<u>Phase IV</u>	<u>Phase V</u>

1	5/8"	\$	11.29	11.96
2	3/4"	\$	11.29	11.96
3	1"	\$	28.76	30.45
4	1 1/2"	\$	64.40	68.20
5	2"	\$	114.21	120.96
6	2 1/2"	\$	114.21	120.96
7	3"	\$	257.15	272.35
8	4"	\$	457.13	484.15
9	6"	\$	1,027.98	1,088.74
10	8"	\$	1,828.00	1,936.06
11	10"	\$	2,855.96	3,024.77
12	12"	\$	2,855.96	3,024.77

AMEND SECTION § 52.16

Sec. 52.16. Cost for Private Fire Protection Service - Inside City.

Fire protection service for use in extinguishing fire only shall be as follows:

			<u>Phase IV</u>	<u>Phase V</u>
18				
19	<u>Size of Meter</u>			
20	(inches)			
21	5/8"	\$	3.11	3.30
22	3/4"	\$	3.11	3.30
23	1"	\$	7.94	8.43
24	1 1/2"	\$	17.86	18.92
25	2"	\$	31.78	33.66
26	2 1/2"	\$	49.65	52.60
27	3"	\$	71.51	75.74
28	4"	\$	127.11	134.63

1	6"	\$ 285.98	302.89
2	8"	\$ 508.42	538.48
3	10"	\$ 794.41	841.37
4	12"	\$ 1,143.94	1,211.57
5			
6	Private Hydrant Fee	\$ 39.57	\$ 41.92
7	(Monthly)		
8	Private Fire Line Connection (Monthly		
9	Charge)		
10	1"	\$ 0.35	0.38
11	1 1/2"	\$ 1.02	1.10
12	2"	\$ 2.20	2.34
13	2 1/2"	\$ 3.97	4.21
14	3"	\$ 6.38	6.77
15	4"	\$ 13.62	14.43
16	6"	\$ 39.57	41.92
17	8"	\$ 84.34	89.32
18	10"	\$ 151.66	160.63
19	12"	\$ 245.00	259.49
20	16"	\$ 522.08	552.95

AMEND SECTION § 52.18 (A), (B), (C), and (D)

Sec. 52.18 Charges for Customers Outside Corporate Limits.

The following rates and charges shall apply to customers located outside the corporate limits of the City of Fort Wayne, Indiana:

(A) Metered rates per month

<u>Metered Rates Per Month</u>	<u>Rate Per 100 Cubic Feet</u>
(cubic feet)	

	<u>Phase IV</u>	<u>Phase V</u>
First 2,500 cubic feet	\$ 2.83	\$ 2.96
Next 9,500 cubic feet	\$ 2.63	\$ 2.76
Over 12,000 cubic feet	\$ 2.56	\$ 2.68

(B) Monthly service charges. Each user shall pay a monthly service charge in addition to usage charges calculated under the metered rate schedule as follows:

<u>Size of Meter</u> (inches)	<u>Monthly Service Charges</u>	
	<u>Phase IV</u>	<u>Phase V</u>
5/8"	\$ 12.56	13.19
3/4"	\$ 12.56	13.19
1"	\$ 31.95	33.53
1 1/2"	\$ 71.51	75.05
2"	\$ 126.80	133.09
2 1/2"	\$ 126.80	133.09
3"	\$ 285.47	299.62
4"	\$ 507.44	532.60
6"	\$ 1,141.09	1,197.64
8"	\$ 2,029.11	2,129.70
10"	\$ 3,170.15	3,327.28
12"	\$ 3,170.15	3,327.28

(C) Fire Protection Service for use in extinguishing fire only shall be as follows:

Public Fire Protection (Monthly Charge)	<u>Phase IV</u>	<u>Phase V</u>
<u>Size of Meter</u> (inches)		

1	5/8"	\$	3.45	3.63
2	3/4"	\$	3.45	3.63
3	1"	\$	8.81	9.27
4	1 1/2"	\$	19.82	20.81
5	2"	\$	35.28	37.03
6	2 1/2"	\$	55.11	57.86
7	3"	\$	79.38	83.31
8	4"	\$	141.09	148.09
9	6"	\$	317.44	333.18
10	8"	\$	564.35	592.33
11	10"	\$	881.80	925.51
12	12"	\$	1,269.77	1,332.73

13			<u>Phase IV</u>	<u>Phase V</u>
14				
15	Private Hydrant Fee		\$ 43.92	\$ 46.11
16	(Monthly)			

17	Private Fire Line Connection (Monthly			
18	Charge)			
19	1"	\$	0.39	0.42
20	1 1/2"	\$	1.13	1.21
21	2"	\$	2.44	2.57
22	2 1/2"	\$	4.41	4.63
23	3"	\$	7.08	7.45
24	4"	\$	15.12	15.87
25	6"	\$	43.92	46.11
26	8"	\$	93.62	98.25
27	10"	\$	168.34	176.69
28	12"	\$	271.95	285.44

29
30

16" \$ 579.51 608.25

(D) *Large industrial customers*

Metered Rates Per Month
(cubic feet)

Rate Per 100 Cubic Feet

Phase IV

Phase V

First 2,500 cubic feet

\$ 2.58

\$ 2.73

Next 9,500 cubic feet

\$ 2.38

\$ 2.52

Over 12,000 cubic feet

\$ 2.05

\$ 2.14

Monthly Service Charge

(Based on Outside City Monthly Service
Charges)

Monthly Public Fire Protection

(Based on Outside City Private Fire
Protection Services)

SECTION 3. Except for the amendments arising out of HB 1002, the remaining sections of Chapter 52 of the City of Fort Wayne, Indiana Code of Ordinances shall remain in full force and effect. Further, except for the specifically referenced amendments to the monthly user rates and fire protection charges, the schedule of miscellaneous water rates and charges of City Utilities are hereby restated and shall remain in full force and effect.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed, and the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the IURC, and until such time as the order of the IURC approving said new rates and charges shall direct.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and due legal publication hereof; provided however, the schedule of rates and charges herein set out shall not become effective unless approved by the IURC, or until such time as the IURC shall direct.

**COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA**

By: _____
Member of the Common Council

Approved as to form and legality

Malak Heiny, City Attorney

CHAPTER 52: WATER AND WATERCOURSES

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GENERAL PROVISIONS

§ 52.01 INJURING OR INTERFERING WITH CITY WATERWORKS'S APPARATUS; UNLAWFUL USE OF WATER.

Whoever injures, destroys or permits to be injured or destroyed any meter, pipe, hydrant, curb box, shut-off valve at any curb box, any other kind of valve or other apparatus belonging to City Utilities or whoever prevents a water meter from duly registering the quantity of water supplied or in any way interferes with its proper action or just registration, or whoever, without the consent of City Utilities by its proper officers, diverts any water from any pipe line of City Utilities or otherwise uses or causes to be used, without the consent of City Utilities, any water distributed by City Utilities, shall be guilty of a violation.

('74 Code, § 31-6) (Am. Ord. G-3-12, passed 2-14-12) [Penalty, see § 10.99](#)

RATES AND CHARGES

§ 52.15 WATER USAGE SCHEDULE; INSIDE CITY CORPORATE LIMITS.**

There shall be and hereby are established for the use of and the service rendered by the waterworks system of the city the following rates and charges based on the use of water supplied by the City Waterworks System:

(A) *Metered rates per month.*

Metered Rates per Month (cubic feet)	Rate per 100 Cubic Feet				
	Phase I	Phase II	Phase III	Phase IV	Phase V
First 2,500 cubic feet	\$2.17	\$2.30	\$2.44	\$2.58 <u>2.55</u>	\$2.73 <u>2.69</u>
Next 9,500 cubic feet	\$2.02	\$2.14	\$2.27	\$2.40 <u>2.37</u>	\$2.54 <u>2.51</u>
Over 12,000 cubic feet	\$1.97	\$2.09	\$2.21	\$2.34 <u>2.31</u>	\$2.48 <u>2.44</u>

(B) *Monthly service charges.* Each user shall pay a monthly service charge, in addition to usage charges calculated under the metered rate schedule as follows:

Size of Meter (inches)	Monthly Service Charges				
	Phase I	Phase II	Phase III	Phase IV	Phase V
Size of Meter (inches)	Monthly Service Charges				
	Phase I	Phase II	Phase III	Phase IV	Phase V
5/8	\$9.64	\$10.21	\$10.81	\$11.44 <u>11.29</u>	\$12.11 <u>11.96</u>
3/4	\$9.64	\$10.21	\$10.81	\$11.44 <u>11.29</u>	\$12.11 <u>11.96</u>
1	\$24.55	\$26.01	\$27.54	\$29.15 <u>28.76</u>	\$30.87 <u>30.45</u>
1 ½	\$54.98	\$58.24	\$61.68	\$65.29 <u>64.40</u>	\$69.14 <u>68.20</u>

2	\$97.53	\$103.31	\$109.40	\$115.81 <u>114.21</u>	\$122.64 <u>120.96</u>
2 ½	\$97.53	\$103.31	\$109.40	\$115.81 <u>114.21</u>	\$122.64 <u>120.96</u>
3	\$219.59	\$232.61	\$246.33	\$260.76 <u>257.15</u>	\$276.14 <u>272.35</u>
4	\$390.35	\$413.50	\$437.90	\$463.56 <u>457.13</u>	\$490.91 <u>484.15</u>
6	\$877.83	\$929.88	\$984.74	\$1,042.45 <u>1,027.98</u>	\$1,103.95 <u>1,088.74</u>
8	\$1,560.99	\$1,653.56	\$1,751.12	\$1,853.74 <u>1,828.00</u>	\$1,963.11 <u>1,936.06</u>
10	\$2,438.81	\$2,583.43	\$2,735.85	\$2,896.17 <u>2,855.96</u>	\$3,067.04 <u>3,024.77</u>
12	\$2,438.81	\$2,583.43	\$2,735.85	\$2,896.17 <u>2,855.96</u>	\$3,067.04 <u>3,024.77</u>

(‘74 Code, § 31-18) (Ord. G-27, passed - - ; Am. Ord. G-27-84, passed 9-25-84; Am. Ord. G-15-86, passed 4-22-86; Am. Ord. G-22-89, passed 10-10-89; Am. Ord. G-07-94, passed 3-22-94; Am. Ord. G-13-94, passed 6-28-94; Am. Ord. G-29-00, passed 10-24-00; Am. Ord. G-09-01, passed 6-12-01; Am. Ord. G-21-05, passed 11-22-05; Am. Ord. G-04-12, passed 2-21-12; Am. Ord. G-38-12, passed 12-18-12; Am. Ord. G-6-13, passed 5-14-13; Am. Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

Fire protection service for use in extinguishing fire only, shall be as follows:

	\$33.80	\$35.80	\$37.91	\$40.13 <u>39.57</u>	\$42.50 <u>41.92</u>
Private Fire Line Connection (Monthly Charge)					
1	\$0.30	\$0.32	\$0.34	\$0.36 <u>.35</u>	\$0.38
1 ½	\$0.88	\$0.93	\$0.98	\$1.04 <u>1.02</u>	\$1.10
2	\$1.88	\$1.99	\$2.11	\$2.23 <u>2.20</u>	\$2.36 <u>2.34</u>
2 ½	\$3.39	\$3.59	\$3.80	\$4.02 <u>3.97</u>	\$4.26 <u>4.21</u>
3	\$5.45	\$5.77	\$6.11	\$6.47 <u>6.38</u>	\$6.85 <u>6.77</u>
4	\$11.63	\$12.32	\$13.05	\$13.81 <u>13.62</u>	\$14.62 <u>14.43</u>
6	\$33.80	\$35.80	\$37.91	\$40.13 <u>39.57</u>	\$42.50 <u>41.92</u>
8	\$72.01	\$76.28	\$80.78	\$85.51 <u>84.34</u>	\$90.56 <u>89.32</u>
10	\$129.51	\$137.19	\$145.28	\$153.79 <u>151.66</u>	\$162.86 <u>160.63</u>
12	\$209.21	\$221.62	\$234.70	\$248.45 <u>245.00</u>	\$263.11 <u>259.49</u>
16	\$445.82	\$472.26	\$500.12	\$529.43 <u>522.08</u>	\$560.67 <u>552.95</u>

('74 Code, § 31-21) (Ord. G-27, passed - - ; Am. Ord. G-27-84, passed 9-25-84; Am. Ord. G-15-86, passed 4-22-86; Am. Ord. G-22-89, passed 10-10-89; Am. Ord. G-07-94, passed 3-22-94; Am. Ord. G-13-94, passed 6-28-94; Am. Ord. G-29-00, passed 10-24-00; Am. Ord. G-09-01, passed 6-12-01; Am. Ord. G-21-05, passed 11-22-05; Am. Ord. G-04-12, passed 2-21-12; Am. Ord. G-38-12, passed 12-18-12; Am. Ord. G-6-13, passed 5-14-13; Am. Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

§ 52.17 (RESERVED).

§ 52.18 WATER USAGE SCHEDULE; OUTSIDE CITY CORPORATE LIMITS.

The following rates and charges shall apply to customers located outside the corporate limits for the City of Fort Wayne:

(A) *Metered rates per month.*

	Rate per 100 Cubic Feet				
	Phase I	Phase II	Phase III	Phase IV	Phase V
First 2,500 cubic feet	\$2.47	\$2.60	\$2.73	\$2.86 <u>2.83</u>	\$3.00 <u>2.96</u>
Next 9,500 cubic feet	\$2.30	\$2.42	\$2.54	\$2.66 <u>2.63</u>	\$2.79 <u>2.76</u>
Over 12,000 cubic feet	\$2.25	\$2.36	\$2.48	\$2.60 <u>2.56</u>	\$2.73 <u>2.68</u>

(B) *Monthly service charges.* Each user shall pay a monthly service charge, in addition to usage charges calculated under the metered rate schedule, as follows:

Size of Meter (inches)	Monthly Service Charges				
	Phase I	Phase II	Phase III	Phase IV	Phase V
Size of Meter (inches)	Monthly Service Charges				
	Phase I	Phase II	Phase III	Phase IV	Phase V
5/8	\$11.01	\$11.56	\$12.13	\$12.72 <u>12.56</u>	\$13.34 <u>13.19</u>
3/4	\$11.01	\$11.56	\$12.13	\$12.72 <u>12.56</u>	\$13.34 <u>13.19</u>
1	\$28.01	\$29.41	\$30.86	\$32.38 <u>31.95</u>	\$33.98 <u>33.53</u>
1 ½	\$62.70	\$65.83	\$69.10	\$72.49 <u>71.51</u>	\$76.07 <u>75.05</u>
2	\$111.20	\$116.76	\$122.55	\$128.57 <u>126.80</u>	\$134.92 <u>133.09</u>
2 ½	\$111.20	\$116.76	\$122.55	\$128.57 <u>126.80</u>	\$134.92 <u>133.09</u>
3	\$250.35	\$262.87	\$275.91	\$289.46 <u>285.47</u>	\$303.77 <u>299.62</u>
4	\$445.02	\$467.27	\$490.47	\$514.57 <u>507.44</u>	\$540.02 <u>532.60</u>
6	\$1,000.74	\$1,050.78	\$1,102.93	\$1,157.14 <u>1,141.09</u>	\$1,214.36 <u>1,197.64</u>
8	\$1,799.55	\$1,868.54	\$1,961.27	\$2,057.67 <u>2,029.11</u>	\$2,159.44 <u>2,129.70</u>
10	\$2,780.26	\$2,919.29	\$3,064.17	\$3,214.77 <u>3,170.15</u>	\$3,373.76 <u>3,327.28</u>
12	\$2,780.26	\$2,919.29	\$3,064.17	\$3,214.77 <u>3,170.15</u>	\$3,373.76 <u>3,327.28</u>

(C) Fire protection service for use in extinguishing fire only, shall be as follows:

Public Fire Protection (Monthly Charge)					
Size of Meter (inches)	Phase I	Phase II	Phase III	Phase IV	Phase V
Public Fire Protection (Monthly Charge)					
Size of Meter (inches)	Phase I	Phase II	Phase III	Phase IV	Phase V
5/8	\$3.02	\$3.18	\$3.34	\$3.50 <u>3.45</u>	\$3.67 <u>3.63</u>
3/4	\$3.02	\$3.18	\$3.34	\$3.50 <u>3.45</u>	\$3.67 <u>3.63</u>
1	\$7.74	\$8.12	\$8.52	\$8.95 <u>8.81</u>	\$9.39 <u>9.27</u>
1 ½	\$17.40	\$18.26	\$19.16	\$20.10 <u>19.82</u>	\$21.10 <u>20.81</u>
2	\$30.93	\$32.48	\$34.09	\$35.76 <u>35.28</u>	\$37.53 <u>37.03</u>
2 ½	\$48.34	\$50.75	\$53.27	\$55.89 <u>55.11</u>	\$58.65 <u>57.86</u>

3	\$69.61	\$73.09	\$76.72	\$80.49 <u>79.38</u>	\$84.47 <u>83.31</u>
4	\$123.74	\$129.93	\$136.37	\$143.08 <u>141.09</u>	\$150.16 <u>148.09</u>
6	\$278.40	\$292.32	\$306.82	\$321.90 <u>317.44</u>	\$337.82 <u>333.18</u>
8	\$494.94	\$519.70	\$545.48	\$572.29 <u>564.35</u>	\$600.60 <u>592.33</u>
10	\$773.34	\$812.02	\$852.32	\$894.20 <u>881.80</u>	\$938.43 <u>925.51</u>
12	\$1,113.61	\$1,169.30	\$1,227.33	\$1,287.66 <u>1,269.77</u>	\$1,351.34 <u>1,332.73</u>
Private Hydrant Fee (Monthly)					
	\$38.53	\$40.45	\$42.46	\$44.54 <u>43.92</u>	\$46.75 <u>46.11</u>
Private Fire Line Connection (Monthly Charge)					
1	\$0.34	\$0.36	\$0.38	\$0.40 <u>0.39</u>	\$0.42
1 ½	\$1.00	\$1.05	\$1.10	\$1.15 <u>1.13</u>	\$1.21
2	\$2.14	\$2.25	\$2.36	\$2.48 <u>2.44</u>	\$2.60 <u>2.57</u>
2 ½	\$3.86	\$4.06	\$4.26	\$4.46 <u>4.41</u>	\$4.69 <u>4.63</u>
3	\$6.21	\$6.52	\$6.84	\$7.18 <u>7.08</u>	\$7.54 <u>7.45</u>
4	\$13.26	\$13.92	\$14.62	\$15.33 <u>15.12</u>	\$16.08 <u>15.87</u>
6	\$38.53	\$40.45	\$42.46	\$44.54 <u>43.92</u>	\$46.75 <u>46.11</u>
8	\$82.09	\$86.20	\$90.47	\$94.92 <u>93.62</u>	\$99.62 <u>98.25</u>
10	\$147.64	\$155.02	\$162.71	\$170.71 <u>168.34</u>	\$179.15 <u>176.69</u>
12	\$238.50	\$250.43	\$262.86	\$275.78 <u>271.95</u>	\$289.42 <u>285.44</u>
16	\$508.23	\$533.65	\$560.13	\$587.67 <u>579.51</u>	\$616.74 <u>608.25</u>

(D) *Large industrial customers.*

Metered Rates per Month (cubic feet)	Rate per 100 Cubic Feet				
	Phase I	Phase II	Phase III	Phase IV	Phase V
First 2,500 cubic feet	\$2.20	\$2.33	\$2.47	\$2.61 <u>2.58</u>	\$2.76 <u>2.73</u>
Next 9,500 cubic feet	\$2.03	\$2.15	\$2.28	\$2.41 <u>2.38</u>	\$2.55 <u>2.52</u>
Over 12,000 cubic feet	\$1.84	\$1.87	\$1.96	\$2.05	\$2.15 <u>2.14</u>
Monthly service charge	(Based on outside city monthly service charges)				
Monthly public fire protection	(Based on outside city private fire protection services)				

(E) *City of New Haven.*

	<i>Phase I</i>	<i>Phase II</i>	<i>Phase III</i>	<i>Phase IV</i>	<i>Phase V</i>
Demand Charge (per month)	\$11,383.19	\$12,136.30	\$12,930.01	\$13,764.87	\$14,654.68
Commodity charge (per 100 cubic feet of water metered)	1.6849	1.7126	1.7932	1.8778	1.9684
Monthly service charge	(Based on inside city monthly service charges)				
Monthly public fire protection	(Based on inside city private fire protection services)				

('74 Code, § 31-23) (Ord. G-27, passed - - ; Am. Ord. S-91-82, passed 5-25-82; Am. Ord. G-15-86, passed 4-22-86; Am. Ord. G-22-89, passed 10-10-89; Am. Ord. G-13-94, passed 6-28-94; Am. Ord. G-29-00, passed 10-24-00; Am. Ord. G-09-01, passed 6-12-01; Am. Ord. G-21-05, passed 11-22-05; Am. Ord. G-04-12, passed 2-21-12; Am. Ord. G-38-12, passed 12-18-12; Am. Ord. G-6-13, passed 5-14-13; Am. Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

§ 52.19 REASONABLE RETURN ON NET UTILITY PLANT.

The rate and charges for the use of services rendered by the waterworks system of the city should incorporate and reflect a reasonable return on net utility plant.

(Ord. G-13-94, passed 6-28-94)

§ 52.20 COLLECTION OR DEFERRED PAYMENT CHARGE.

All bills for water services not paid on or before the due date, which due date shall be approximately 15 days after the bill is rendered, shall be subject to a collection or deferred payment charge of 10% on any outstanding balance.

(Ord. G-13-94, passed 6-28-94)

§ 52.21 REVISED CHARGES IN LIEU OF TAXES.

Rates and charges hereunder shall be sufficient to compensate the city for taxes that would be due on the utility property were it privately owned. These rates and charges in lieu of taxes shall be transferred to the municipal general fund.

(Ord. G-29-00, passed 10-24-00; Am. Ord. G-09-01, passed 6-12-01)

§ 52.22 SYSTEM DEVELOPMENT CHARGE.

A system development charge ("SDC") shall be assessed for all permanent connections to the Fort Wayne water system in accordance with the Fort Wayne Water Utility's connection policies after filing of the tariff with the Indiana Utility Regulatory Commission, as follows:

<i>Size of Meter</i>	<i>SDC</i>
<i>Size of Meter</i>	<i>SDC</i>
5/8"	\$580

3/4"	\$870
1"	\$1,450
1 ½"	\$2,900
2"	\$4,640
3"	\$8,700
4"	\$14,500
6"	\$29,000
8"	\$46,400
10"	\$66,700

(Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

§ 52.23 MISCELLANEOUS NON-RECURRING RATES.

Bad check charge	\$20
Reconnection charge	\$28
Same day service-reconnection charge	\$56
Additional trips	\$56 each
Special service charge	\$56
Service call charge	\$28
Testing meter for accuracy	\$83
Service shut-off charge	\$28
Shut-off for repairs charge	\$28
Door hanger fee	\$14
Unauthorized usage shut-off charge	\$71
Special event water meter set-up charge	\$383 (up to 3")*
Permanent disconnection charge	\$1,167

* For meters larger than 3", the meter set-up charge will be equivalent to the actual cost to the Fort Wayne Water Utility in setting up the special event meter.

(Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

§ 52.24 TEMPORARY METER FEES.

<i>Meter Size</i>	<i>Temporary Meter Fee for One Month</i>
3/4"	\$25

3"	\$111
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(Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

§ 52.25 WATER METER REPLACEMENT (FOR DAMAGED, FROZEN, LOST OR STOLEN METERS).

<i>Meter Size*</i>	<i>Radio Only</i>	<i>Meter Only</i>	<i>Radio & Meter</i>	<i>Pit Meter Only</i>	<i>Pit Meter & Radio</i>
5/8" Meter	\$133.84	134.18	201.18	135.67	202.67
5/8" x 3/4" meter	\$133.84	134.18	201.18	135.67	202.67
3/4" Meter	\$133.84	159.33	226.33	160.82	227.82
1" Meter	\$133.84	184.85	251.85	186.34	253.34

* For any meter sizes not specifically listed, the meter replacement charge will be equivalent to the actual cost to the Fort Wayne Water Utility in replacing the meter.

(Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

§ 52.26 INDIVIDUAL WATER SERVICE INSTALLATIONS (WHEN PERFORMED BY THE FORT WAYNE WATER UTILITY).

<i>Service Size*</i>	<i>Charge</i>
3/4" to 2"	\$1,817

* For any service sizes not specifically listed, the water service installation charge will be equivalent to the actual cost to the Fort Wayne Water Utility in performing the installation.

(Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

§ 52.27 INDIVIDUAL WATER SERVICE INSTALLATIONS-TAP ONLY (WHEN PERFORMED BY THE FORT WAYNE WATER UTILITY).

<i>Service Size*</i>	<i>Tap Fee</i>
3/4" to 2"	\$280

* For any service sizes not specifically listed, the tap fee will be equivalent to the actual cost to the Fort Wayne Water Utility in installing the tap.

(Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

§ 52.28 WATER LAB FEES.

Chloride	\$15
Res. Chlorine	\$10
Color	\$5
Fluoride	\$15
Langlier Index	\$101
M.B.A.S	\$27
N03/N02	\$25
Phosphate	\$28
Sulfate	\$15
TDS	\$20
TSS	\$12
Turbidity	\$15
Bacti	\$50
Titration Package	\$73 (Total)
Alkalinity	\$35
pH	\$8
Total Hardness	\$30

(Ord. G-14-18, passed 6-26-18; Am. Ord. G-11-19, passed 5-28-19)

CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

§ 52.30 GENERAL PROVISIONS.

(A) *Purpose.*

(1) To provide for the protection of the public potable water system from the possibility of contamination or pollution by isolating within its water customers' private water systems any contaminants or pollutants which could, under adverse conditions, backflow into the public potable water system.

(2) To provide for the maintenance of a continuing program of cross-connection control which will, effectively, prevent or control existing or potential cross connections.

(B) *Authority.*

(1) The Utility has the responsibility to supply safe, potable water to the point of delivery from the public potable water system to the water customer's service line. The Utility, therefore, has the authority to prevent, by appropriate means, the backflow of contaminated or polluted water or any other foreign substance from entering the public potable water system and to require certain backflow prevention assemblies in private customer water systems to prevent backflow into the public potable water system.

(2) Public Health agencies have the overall responsibility to protect the health of individuals within their jurisdiction. Therefore, relevant regulations have been promulgated, empowering the health agency to eliminate dangerous plumbing or piping.

(3) Water customers have the responsibility to test and maintain their respective private customer water systems free of cross connections and to comply with all federal, state, county and city laws, ordinances and regulations pertaining to cross connections.

(4) The Utility shall be the interpreter of this chapter and the arbiter and judge as to whether a backflow prevention assembly is required. If such a backflow prevention assembly is required, the Utility shall determine the type and the location of the assembly.

(5) This chapter is intended to supplement the Indiana Plumbing Code, 675 IAC 16-1.4 and 327 IAC 8-10 and shall not be construed to supersede any of the foregoing provisions.

(C) *Policy.* The policy of the Utility is to control backflow by containment of all cross connections which shall be found to exist or which may be installed in the future on private customer water systems. Containment shall be achieved by:

(1) Assuring that the customer water system, or any portion thereof, which may create or is causing backflow, is physically disconnected from the public potable water system; or by

(2) Installing an approved backflow prevention assembly at the appropriate location to isolate said customer water system from the public potable water system.

(D) *Definitions.* As used in this chapter, the following terms have the following meanings:

AIR GAP. an unobstructed vertical distance through atmosphere between the discharge end of a pipeline supplied from a public water supply and the overflow rim of the receiving portion of the customer water system.

APPROVED BACKFLOW PREVENTION ASSEMBLY. an assembly that is in accordance with 327 IAC 8-10-7(b).

BACKFLOW. The flow of water or contaminants into the public potable water system from a source other than the public water supply.

CROSS CONNECTION. Any physical arrangement, including cross connection control devices not in working order, whereby the public potable water system is directly connected, either continuously or intermittently, with any secondary source of supply, sewer, drain, conduit, pool, piping, storage reservoir, plumbing fixture, or other device that contains, or may contain, and is capable of imparting to the public water supply, contaminants, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality.

CROSS CONNECTION CONTROL DEVICE INSPECTOR. A person that meets the definition of 327 IAC 8-10-1(8).

CONTAINMENT. A method of backflow prevention which requires an approved backflow prevention assembly at the water service entrance.

CUSTOMER WATER SYSTEM. All piping, fixtures, and appurtenances, including secondary sources of supply, used by a customer to convey water on his or her premises.

DEGREE OF HAZARD (POLLUTANT OR CONTAMINANT). Either a "low hazard pollutant" which is only aesthetically objectionable (i.e., unusual taste, odor, beverages, and the like) or a "high hazard contaminant" that could cause illness or death if ingested (i.e., bacteriological, toxic chemicals, radioactive materials, and the like).

DOUBLE CHECK VALVE ASSEMBLY. A device or assembly composed of two tightly closing shutoff valves surrounding two independently acting check valves, with four test cocks, one upstream of the four valves and one between each of the four check and shutoff valves.

HEALTH AGENCY. The health authority having jurisdiction; federal, state or local.

POINT OF DELIVERY. See **SERVICE CONNECTION.**

PRIVATE FIRE SERVICE. Refers to a privately owned arrangement of pipes, fixtures and devices installed for the purpose of providing fire protection/suppression service at a private property over and above that provided by the public fire protection system, from which water is taken only for the extinguishment of fires.

PUBLIC POTABLE WATER SYSTEM. A public water supply for the provision to the public of water for human consumption through pipes or other constructed conveyances.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. A device composed of two tightly closing shutoff valves surrounding two independently acting pressure reducing check valves that, in turn, surround an automatic pressure differential relief valve, and four test cocks, one upstream of the five valves and one between each of the four check and shutoff valves. The check valves effectively divide the structure into three chambers. Pressure is reduced in each downstream chamber allowing the pressure differential relief valve to vent the center chamber to atmosphere should either or both check valves malfunction.

SERVICE CONNECTION. The terminal end of a service connection from the public potable water system, i.e., where the Utility loses jurisdiction and sanitary control over the water at its point of delivery to the customer water system.

TESTING RESULTS. The results of inspections or tests conducted pursuant to section 327 IAC 8-10-8(b) on air gaps, reduced pressure principle back-flow preventers, double check valve assemblies, and pressure vacuum breakers.

TEMPORARY WATER SERVICE. Water service supplied through a fire hydrant for short-term use, typically for construction projects or other special purposes (excluding preparation of food and drink for human consumption), for which a mobile or stationary meter is required.

UTILITY. Fort Wayne City Utilities, operator of the City of Fort Wayne's public potable water system.

WATER CUSTOMER. Any person who receives water from the City of Fort Wayne.
(Ord. G-6-18, passed 3-27-18)

§ 52.31 BACKFLOW PREVENTION REQUIRED.

Backflow prevention is required when one or more of the following situations apply:

(A) By Order of the Indiana Department of Environmental Management in accordance with 327 IAC 8-10-4(d).

(B) By order of the Utility, provided that notice is given that specifies the nature of the customer activity that necessitates designation of the facility as a cross-connection hazard and a date by which the facility must comply with the order.

(C) For new construction of any of the following types of facilities:

- (1) Facilities that present a cross-connection hazard as designated in § [52.32](#)(A)(7);
- (2) Proposed facilities with unknown tenants, commonly known as "spec buildings";
- (3) Facilities that plan to use carbonated fountain soft drink machines;
- (4) Facilities with a secondary source of supply, including but not limited to, emergency use, fire prevention, irrigation, or economics; or
- (5) Facilities that plan to use fire protection service lines in the facility.

(D) For existing facilities proposing the following types of modifications:

- (1) Installation of a new customer service line if the facility is one of the types of facilities identified in § [52.31](#)(C);
- (2) Modifications to a facility's customer service line if the facility is one of the types of facilities identified in § [52.31](#)(C); or
- (3) Modifications involving the installation of additional or larger capacity meters if the facility is one of the types of facilities identified in § [52.31](#)(C).

(E) For any existing facility with a cross connection.

(F) For any use of temporary water service.

(Ord. G-6-18, passed 3-27-18)

§ 52.32 INSTALLATION, TESTING, REPORTING, AND ACCESS.

(A) *Installation of approved backflow prevention assemblies.*

(1) *Use of backflow prevention assembly.* When backflow prevention is required as set forth in § 52.31, the water customer shall install, at the water customer's expense, an approved backflow

prevention assembly that is in accordance with 327 IAC 8-10-7 and provides protection commensurate with the degree of hazard, hydraulic conditions, and is appropriate with the length of time the backflow prevention assembly is subject to be under pressure.

(2) *Location.* The backflow prevention assembly shall be located immediately downstream of the water meter and shall not be bypassed by any means. There shall be no taps upstream of the backflow prevention assembly that are not protected by additional backflow prevention assemblies. The existence of backflow prevention assemblies on the water customer's premises other than at this required location shall not negate the requirement at this location. Exact installation, alignment and elevation requirements shall be determined by reference to 327 IAC 8-10-7 and other applicable state and local regulations.

(3) *Uninterrupted service.* Water customers needing continuous service that cannot be interrupted for testing the backflow prevention assembly shall install dual backflow prevention assemblies in parallel so that they can be checked separately.

(4) *Looped taps.* Heat exchange loops intentionally returning water to the public potable water system shall not be allowed. Any other loop or set of taps into a private customer water system allowing water to return to the public potable water system shall require approved backflow prevention assemblies on all taps.

(5) *Private fire service.* No connection shall be made to any fire hydrant or private fire service without an approved backflow prevention assembly. Private fire service that is permanent in nature shall incorporate a double check valve assembly in one hundred-percent water systems or a reduced pressure principle backflow preventer in chemical systems. Where domestic service is tapped into a private fire service, the domestic tap shall be subject to all the provisions of this chapter.

(6) *Pre-existing facilities.* In general, pre-existing backflow preventers will not be allowed simply because they were approved before the enactment of this chapter. The Utility will review the operation and hazard of each facility with backflow preventers and determine acceptability based on operability and present hazard. If the backflow preventers are found unacceptable, they shall be replaced with an approved backflow prevention assembly, at the water customer's expense, in accordance with this chapter. Pre-existing facilities that have no backflow prevention assembly and where there is a definite present hazard shall be required to install an approved backflow prevention assembly, regardless of whether their plumbing system was previously approved by the city.

(7) *Reduced pressure principle backflow preventer required.* A reduced pressure principle backflow preventer shall be required for the following designated cross-connection hazards:

- (a) Aircraft and missile manufacturing plants.
- (b) Automotive plants, including those plants that manufacture motorcycles, automobiles, trucks, recreational vehicles, and construction and agricultural equipment.
- (c) Beverage bottling plants, including dairies and breweries.
- (d) Canneries, packing houses, and reduction plants.
- (e) Car washes.

(f) Chemical, biological, and radiological laboratories, including those in high schools, trade schools, colleges, universities, and research institutions.

(g) Hospitals, clinics, medical buildings, autopsy facilities, morgues, other medical facilities, and mortuaries.

(h) Metal and plastic manufacturing, fabricating, cleaning, plating, and processing facilities.

(i) Plants manufacturing paper and paper products.

(j) Plants manufacturing, refining, compounding, or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials, or any chemical that could be a contaminant to the public water supply.

(k) Commercial facilities that use herbicides, pesticides, fertilizers, or any chemical that could be a contaminant to the public water supply.

(l) Plants processing, blending, or refining animal, vegetable, or mineral oils.

(m) Commercial laundries and dye works, excluding coin-operated laundromats.

(n) Sewage, storm water, and industrial waste treatment plants and pumping stations.

(o) Waterfront facilities, including piers, docks, marinas, and shipyards.

(p) Industrial facilities that recycle water.

(q) Restricted or classified facilities (federal government defense or military installations), or other facilities closed to the supplier of water or to the commissioner.

(r) Any other commercial or industrial facility that is deemed by the Utility to pose a contamination hazard.

(B) *Testing intervals.* The water customer shall have its backflow prevention assembly(ies) tested by a cross connection control device inspector at intervals in accordance with 327 IAC 8-10-8 at the water customer's expense.

(C) *Reporting requirements.* Cross connection control device inspectors shall submit the backflow assembly testing result and assembly repair and/or overhaul reports to the Utility pursuant to procedures required by the Utility within ten calendar days after the test has been completed.

(D) *Access.* Any water customer or owner of a private customer water system shall allow access to the customer's facilities for inspection of the customer water system and for testing of any backflow prevention assembly. If access for inspection is denied for any reason, a maximum hazard shall be assumed requiring a reduced pressure backflow prevention assembly.

(Ord. G-6-18, passed 3-27-18)

§ 52.33 TEMPORARY WATER SERVICE.

(A) With the prior consent of the Utility, a water customer may receive temporary water service.

(B) The water customer shall ensure that all temporary water services the water customer receives are metered, unless otherwise approved by the Utility, and that an air gap meeting the requirements of 327 IAC 8-10-7(a) or a reduced pressure principle backflow preventer is in place whenever temporary water service is used.

(C) The water customer may rent a meter for temporary water service from the Utility and pay a fee as set forth in the Utility's schedule of non-recurring rates and charges. The water customer may be required to submit a deposit for the meter at the Utility's discretion.

(D) Any approved backflow prevention assembly shall be provided at the water customer's sole expense and shall at all times remain the property of the water customer. It is the water customer's responsibility to ensure the approved backflow prevention assembly is in working order at all times temporary water service is being used.

(E) If an air gap is used for backflow prevention, it is the water customer's responsibility to ensure that the air gap meets the requirements of 327 IAC 8-10-7(a).

(F) Failure to comply with the provisions of this section shall subject the water customer to enforcement procedures outlined in § [52.34](#).

(Ord. G-6-18, passed 3-27-18)

§ 52.34 ENFORCEMENT.

(A) *Disconnection of water service.* Service of water to any customer water system or any temporary water service connection shall be discontinued by the Utility if one or more of the following occurs:

(1) It is found that an approved backflow prevention assembly required by this chapter is not installed, tested, maintained and reported appropriately, or if it is found that a backflow prevention assembly has been removed or bypassed on a customer water system connected to the public potable water system, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions are corrected.

(2) It is found that the water customer or the customer water system, intentionally or unintentionally, is in violation of any other part of §§ [52.30](#), [52.31](#), [52.32](#), or [52.33](#).

(B) *Procedure.*

(1) A written notice will be sent by certified mail to the water customer stating the specific violation, the recommended action, the time by which the violation must be cured, and the penalty for failing to cure such violation. The notice also will inform the water customer of the customer's right to administrative review of the specific alleged violation.

(2) When the water customer has been provided with both the notice of noncompliance and fails to cure the same as provided in the written notice, service to the water customer will be discontinued.

(3) Discontinued service will consist of closing the control valve to or separating the control valve from the customer water system, or fire hydrant in the case of temporary water service, and the water customer will incur the standard monetary penalties for delinquent water shut-off. The Utility will not

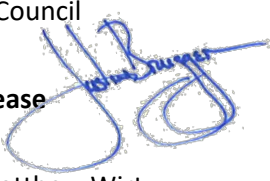
restore service to the water customer until the Utility has determined that the water customer is in compliance with the provisions of this chapter.

(C) *Testing results reporting rejections.* If it is found that a cross connection control device inspector is in violation of any part of this chapter or 327 IAC 8-10, the Utility reserves the right to discontinue accepting backflow prevention assembly testing results and assembly repair and/or overhaul reports in any format performed by the cross connection control device inspector found in violation at the discretion of the Utility for a duration of time determined by the Utility.

(Ord. G-6-18, passed 3-27-18)

MEMORANDUM

TO: Members of City Council
FROM: Justin Brugger
SUBJECT: **Water Rate Decrease**
DATE: April 20, 2022
CC: Kumar Menon, Matthew Wirtz



During the 2022 legislative session, the Indiana General Assembly adopted House Enrolled Act 1002, which made several changes to the Indiana Tax Code. Among those changes was a repeal of the Utility Receipts Tax (URT), which is to become effective on July 1 of this year. The URT is a 1.4% tax the water utility pays to the State of Indiana on its water sales. This is separate from the 7% sales tax we collect from the customer and remit to the state.

HEA 1002 also requires the Utility to remove this expense from our revenue requirements and pass the savings onto the customer in the form of lower rates. We are entering the fourth year (phase) of the five-year water rate plan adopted in 2019. The attached ordinance applies this reduction to Phases IV and V of the rate plan.

The impact to the typical customer is an approximate savings of 35 cents per month.

Should you have any questions, please do not hesitate to let me know. I can be reached directly at (260) 427-2836, or via email at justin.brugger@cityoffortwayne.org.