

**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, the Water Pollution Control Utility continues to evaluate its User Charge System and Sewer Use Ordinance to identify adjustments that need to be made; and

WHEREAS, the Water Pollution Control Utility has identified certain types of discharges that the Sewer Charge System and Sewer Use Ordinance do not address; and

WHEREAS, the Water Pollution Control Utility desires to make amendments to certain Sections in the Fort Wayne Code of Ordinances to address such discharges.

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

SECTION 1. That the following section of Chapter 51 of the Fort Wayne Code of Ordinances is added as a new section to the Fort Wayne Code of Ordinances, to read as follows:

51.066.5 DISCHARGES OF NON-POTABLE WATER TO SANITARY SEWER SYSTEM

(A) *Definition of Non-Potable Water.* As used in this Section, "Non-Potable Water" means any form of water that is not immediately fit for human consumption. The term includes, without limitation, stormwater, surface runoff, industrial process water, landfill water, and all other forms of untreated water.

(B) *Application of Section.* This Section does not apply to discharges from downspouts, yard drains, sump pumps, or geothermal systems. Discharges from those sources are governed by Section 51.074 and rules and regulations promulgated by the

Fort Wayne Water Pollution Control Utility and the Fort Wayne Stormwater Utility.

(C) *Meter Required for Discharges of Non-Potable Water to Sanitary Sewer.*

The following provisions apply all non-potable water discharges to a sanitary sewer:

(1) If a property owner discharges non-potable water to the city's sanitary sewer system, the owner of the property from which the discharge occurs must install a meter on the discharge line for purposes of calculating the monthly sewage fees. Each discharge line shall serve only one property.

(2) The property owner shall be responsible for the cost of the meter and radio, as well as the installation of the meter and radio. Meter and radio costs are as follows:

Meter Size	Radio and Meter
1 ½"	\$3,184.23
2"	\$3,274.23
3"	\$3,449.23
4"	\$3,621.23
6"	\$4,025.23
8"	\$4,592.23
10"	\$5,139.23

(3) Upon installation of a non-potable water meter, the fees for sewage service shall be based on the volume of water passing through the water meter as set forth in Section 51.065. The customer shall be responsible for all consumption and service charges set forth in Section 51.069, as well as any applicable capital surcharges as set forth in Section 51.075.

(D) *Temporary Non-Potable Water.* Any person who seeks to discharge non-potable water to the city's sanitary sewer system on a temporary basis (e.g., for a period not to exceed 180 days or such other period as is approved by the city) must request a temporary non-potable meter and obtain approval from City Utilities to discharge the non-potable water into the sanitary sewer. City Utilities shall be authorized to charge an administrative fee for temporary non-potable water discharges as well as consumption

charges based on the volume of water discharged to the sanitary sewer at the rates set forth in § 51.069.

SECTION 2. That the following Section of Chapter 51 of the Fort Wayne Code of Ordinances is deleted and replaced with the following:

51.067 EXEMPT WATER – GENERAL (delete existing and replace)

(A) Where a significant portion of the metered water used in commercial, manufacturing, or industrial processes does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the utility to install, at the user's expense, a meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage measuring device or devices to determine the volume of sewage that actually enters the sewerage system. If the utility approves the request, the following provisions shall apply:

(1) The customer shall purchase the meter(s) directly from the utility or seek the utility's pre-approval to use alternative meter(s). The customer shall use the utility's radio which must be installed by the utility. Below are the costs for the utility's meters and radios. The costs include the meter and installation of radio only. The meter charge and monthly meter fee shall commence upon receiving the meter.

Meter Size	Radio	Meter	Radio and Meter
5/8" x 3/4"	\$215.65	\$314.68	\$364.51
3/4"	\$215.65	\$351.18	\$401.01
1"	\$215.65	\$382.85	\$432.67
1 1/2"	\$215.65	\$681.90	\$731.73
2"	\$215.65	\$874.23	\$924.06
3"	\$215.65	\$1,815.90	\$1,865.73
4"	\$215.65	\$1,805.90	\$1,855.73
6"	\$215.65	\$3,663.90	\$3,713.73
8"	\$215.65	\$4,285.90	\$4,335.73
10"	\$215.65	\$7,454.90	\$7,504.73
Hot Water Meter			
5/8" x 3/4"	\$215.65	\$598.38	\$653.38
1"	\$215.65	\$969.52	\$1,024.52

(2) The meter shall be installed by the customer or its agent in accordance with the utility's installation specifications and plans for installation

(including location of where the meter(s) will be installed) shall be submitted to the utility and approved prior to installation. The customer shall pay a monthly fee per meter/radio, as follows:

Meter Size	Monthly Meter Fee
5/8" x 3/4"	\$8.38
3/4"	\$8.71
1"	\$9.00
1 1/2"	\$11.93
2"	\$13.78
3"	\$22.81
4"	\$22.71
6"	\$40.54
8"	\$46.51
10"	\$76.92

The monthly fee amount may be adjusted by the utility on an annual basis to reflect increases in the Consumer Price Index for All Urban Consumers, U.S. City Average, for all items, 1982-84=100 (CPI-U).

(B) In the absence of verifiable data from an approved meter confirming the amount of water that passed through the water meter but did not enter the sewer system, all water passing through the master water meter will be presumed to have entered the sewer system for billing purposes. A customer that engages in water submetering shall not be entitled to have sewage billings based on the sum of water passing through all of the separate water meters.

SECTION 3. That all other provisions in Chapter 51 of the Fort Wayne Code of Ordinances shall remain in full force and effect.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney

CHAPTER 51: SEWERS

Section

General Provisions

- [51.001](#) Definitions
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- [51.004](#) Accidental discharges

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- [51.016](#) Extensions of sewers outside corporate limits
- [51.017](#) Connections to sewerage system by certain properties outside corporate limits

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- [51.030](#) Prior approval for certain wastes
- [51.031](#) Pretreatment facilities; approval of proposed plans; operation
- [51.032](#) Federal pretreatment standards
- [51.033](#) Prohibited discharges and limitations
- [51.034](#) Responsibility for obstruction or damage to sewers
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51.066.5 DISCHARGES OF NON-POTABLE WATER TO SANITARY SEWER SYSTEM

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- [51.069](#) Metered retail user charges
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Editor's note: Ord. G-17-91 and amending Ord. G-25-91 and Ord. G- 35-92 made substantive changes to the sections of this chapter where they are recorded in the section history. These ordinances are not included in the section history where the section was only renumbered using the enumeration of the 1974 Code, which is obsolete in this edition of the code of ordinances.

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<u>4"</u>	<u>\$3,621.23</u>
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§ 51.067 EXEMPT WATER - GENERAL.

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(1) The customer shall purchase the meter(s) directly from the utility or seek the Utility's preapproval to use alternative meter(s). The customer shall use the utility's radio which must be installed by the utility. Below are the costs for the utility's meters and radios. The costs include delivery of the meter and installation of radio only. The meter charge and monthly meter fee shall commence upon receiving the meter.

<i>Meter Size</i>	<i>Radio</i>	<i>Meter</i>	<i>Radio and Meter</i>
5/8" x 3/4"	\$215.65 \$198.01	\$314.68 \$280.03	\$364.51 \$361.53
3/4"	\$215.65 \$198.01	\$351.18 \$314.68	\$401.01 \$396.18
1"	\$215.65 \$198.01	\$382.85 \$344.85	\$432.67 \$426.35
1 1/2"	\$215.65 \$198.01	\$681.90 \$650.23	\$731.73
2"	\$215.65 \$198.01	\$874.23 \$842.56	\$924.06
3"	\$215.65 \$198.01	\$1,815.90 \$1,784.23	\$1,865.73
4"	\$215.65 \$198.01	\$1,805.90 \$1,774.23	\$1,855.73
6"	\$215.65 \$198.01	\$3,663.90 \$3,632.23	\$3,713.73
8"	\$215.65 \$198.01	\$4,285.90 \$4,254.23	\$4,335.73
10"	\$215.65 \$198.01	\$7,454.90 \$7,423.23	\$7,504.73
<u>Hot Water Meter</u>			
<u>5/8" x 3/4"</u>	<u>\$215.65</u>	<u>\$598.38</u>	<u>\$653.38</u>
<u>1"</u>	<u>\$215.65</u>	<u>\$969.52</u>	<u>\$1,024.52</u>

(2) The meter shall be installed by the customer or its agent in accordance with the utility's installation specifications, and plans for installation (including location of where the meter(s) will be installed) shall be submitted to the utility and approved prior to installation.

~~—(3) Once a meter and radio reading device has been installed, the utility will assume responsibility general maintenance and upgrades. Provided, however if a meter or radio is damaged and the utility determines the damage was caused by the customer, the customer shall be responsible for the cost of a replacement meter and/or radio.~~

~~—(4) The customer shall pay a monthly fee per meter/radio, as follows:~~

<i>Meter Size</i>	<i>Monthly Meter Fee</i>
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5/8" x 3/4"	<u>\$8.38</u> \$7.28
3/4"	<u>\$8.71</u> \$7.57
1"	<u>\$9.00</u> \$7.82
1 1/2"	<u>\$11.93</u> \$10.36
2"	<u>\$13.78</u> \$11.96
3"	<u>\$22.81</u> \$19.81
4"	<u>\$22.71</u> \$19.73
6"	<u>\$40.54</u> \$35.21
8"	<u>\$46.51</u> \$40.39
10"	<u>\$76.92</u> \$66.80

The monthly fee amount may be adjusted by the utility on an annual basis to reflect increases in the Consumer Price Index for All Urban Customers, U.S. City Average, for all items, 1982-84 = 100(CPI-U).

(B) In the absence of verifiable data from an approved meter confirming the amount of water that passed through the water meter but did not enter the sewer system, all water passing through the master water meter will be presumed to have entered the sewer system for billing purposes. A customer that engages in water submetering shall not be entitled to have sewage billings based on the sum of water passing through all of the separate water meters.

('74 Code, § 24-27) (Ord. G-16- 86, passed 4-22-86; Am. Ord. G- 17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-12-09, passed 5-26-09; Am. Ord. G-6-12, passed 2-28-12; Am. Ord. G-12-13, passed 6-11-13; Am. Ord. G-16-14, passed 7-8-14; Am. Ord. G-6-20, passed 2-25-20)