

**AN ORDINANCE AMENDING CHAPTER 51: CONTRACT CUSTOMERS, 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 ("City") has entered into a contract with the Maysville Regional Sewer District (the "District"), pursuant to which the City provides sewage treatment services to the District as a contract/wholesale customer; and

WHEREAS, the rate charged to the District is based, in part, on the sewer peak capacity allocated to the District, which is codified as part of the Use Charge System and Sewer Use Ordinance contained in Chapter 51 of the Fort Wayne Code of Ordinances; and

WHEREAS, the District has requested to increase its sewer peak capacity from 350 gallons per minute to 450 gallons per minute; and

WHEREAS, pursuant to the terms of the contract between the City and the District and the rate formula contained therein, the increase in sewer peak capacity allocated to the District requires an adjustment to the District's sewage rates; and

WHEREAS, the City and the District have mutually agreed on the amount of the adjustment to take effect; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana finds that it is in the best interest of the Fort Wayne Water Pollution Control Utility that the rate adjustment discussed and mutually agreed upon between the City and the District be approved.

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

SECTION 1. That Section 51.077 of the Fort Wayne Code of Ordinances is hereby amended as follows:

The Table titled "Maysville Regional Sewer District" is hereby deleted in its entirety and replaced with the following:

Maysville Regional Sewer District

	Unit of Measure	Effective 2020	Effective January 1, 2021	Effective January 1, 2022	Effective July 1, 2023	Effective January 1, 2024
Treatment	Per ccf per month	\$ 2.1047	\$ 2.1240	\$ 2.1428	\$ 2.2326	\$ 2.3396
Conveyance	Per ccf per month	\$ 0.2361	\$ 0.2400	\$ 0.2282	\$ 0.2876	\$ 0.2971
Total	Per ccf per month	\$ 2.3408	\$ 2.3640	\$ 2.3710	\$ 2.5202	\$ 2.6367
Monthly Service Charge	Per month	\$3,542.89	\$3,951.96	\$4,443.26	\$5,394.53	\$5,736.69

SECTION 2. That the adjustments proposed in this Ordinance shall take effect beginning July 1, 2023.

SECTION 3. 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

§ 51.077 CONTRACT CUSTOMERS.

(A) 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.

(B) 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:

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

(2) *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, operating costs associated therewith, shall be computed by the city and added to the treatment to arrive at the contractee's total metered rate.

(3) *Monthly service charge.*

(4) *Surveillance/evaluation charge.* All contract customers discharging wastes into the system that require continuing surveillance sampling and waste evaluation, shall be subject to the charges set forth in § [51.071](#) or as otherwise specified in the customer's contract.

(5) *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](#) or as otherwise specified in the customer's contract.

(6) *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.

(7) *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.

(8) *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 central utility intended to serve the contract customer when it discharges flows exceeding the capacity allocated per the contract.

(9) *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 § 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

	<i>Unit of Measure</i>	<i>Effective 2020</i>	<i>Effective January 1, 2021</i>	<i>Effective January 1, 2022</i>	<i>Effective January 1, 2023</i>	<i>Effective January 1, 2024</i>
Treatment	Per ccf per month	\$2.1047	\$2.1240	\$2.1248	\$2.2326	\$2.3396
Conveyance	Per ccf per month	\$0.3370	\$0.3425	\$0.3258	\$0.3519	\$0.3634
Total	Per ccf per month	\$2.4417	\$2.4665	\$2.4686	\$2.5485	\$2.7030
Monthly service charge	Per month	\$4,524.89	\$5,047.96	\$5,675.26	\$5,907.53	\$6,282.69

Leo-Cedarville Regional Sewer District

	<i>Unit of Measure</i>	<i>Effective 2020</i>	<i>Effective January 1, 2021</i>	<i>Effective January 1, 2022</i>	<i>Effective January 1, 2023</i>	<i>Effective January 1, 2024</i>
Treatment	Per ccf per month	\$2.1047	\$2.1240	\$2.1248	\$2.2326	\$2.3396
Conveyance	Per ccf per month	\$0.3922	\$0.3986	\$0.3791	\$0.4096	\$0.4230
Total	Per ccf per month	\$2.4969	\$2.5226	\$2.5219	\$2.6422	\$2.7626
Monthly service charge	Per month	\$12,184.89	\$13,595.96	\$15,285.26	\$15,912.53	\$16,922.69

Maysville Regional Sewer District

-	<i>Unit of Measure</i>	<i>Effective 2020</i>	<i>Effective January 1, 2021</i>	<i>Effective January 1, 2022</i>	<i>Effective January 1, 2023</i>	<i>Effective January 1, 2024</i>
Treatment	Per ccf per month	\$2.1047	\$2.1240	\$2.1248	\$2.2326	\$2.3396
Conveyance	Per ccf per month	\$0.2364	\$0.2400	\$0.2282	\$0.2466	\$0.2546

Total	Per ccf per month	\$2.3408	\$2.3640	\$2.3710	\$2.4792	\$2.5942
Monthly service charge	Per month	\$3,542.89	\$3,951.96	\$4,443.26	\$4,624.53	\$4,918.69

Maysville Regional Sewer District

	<u>Unit of Measure</u>	<u>Effective 2020</u>	<u>Effective January 1, 2021</u>	<u>Effective January 1, 2022</u>	<u>Effective July 1, 2023</u>	<u>Effective January 1, 2024</u>
<u>Treatment</u>	<u>Per ccf per month</u>	<u>\$ 2.1047</u>	<u>\$ 2.1240</u>	<u>\$ 2.1428</u>	<u>\$ 2.2326</u>	<u>\$ 2.3396</u>
<u>Conveyance</u>	<u>Per ccf per month</u>	<u>\$ 0.2361</u>	<u>\$ 0.2400</u>	<u>\$ 0.2282</u>	<u>\$ 0.2876</u>	<u>\$ 0.2971</u>
<u>Total</u>	<u>Per ccf per month</u>	<u>\$ 2.3408</u>	<u>\$ 2.3640</u>	<u>\$ 2.3710</u>	<u>\$ 2.5202</u>	<u>\$ 2.6367</u>
<u>Monthly Service Charge</u>	<u>Per month</u>	<u>\$3,542.89</u>	<u>\$3,951.96</u>	<u>\$4,443.26</u>	<u>\$5,394.53</u>	<u>\$5,736.69</u>

City of New Haven

	<i>Unit of Measure</i>	<i>Effective 2020</i>	<i>Effective January 1, 2021</i>	<i>Effective January 1, 2022</i>	<i>Effective January 1, 2023</i>	<i>Effective January 1, 2024</i>
Treatment	Per ccf per month	\$2.1047	\$2.1240	\$2.1248	\$2.2326	\$2.3396
Conveyance	Per ccf per month	\$0.0824	\$0.0837	\$0.0796	\$0.0860	\$0.0888
Total	Per ccf per month	\$2.1871	\$2.2077	\$2.2224	\$3.3186	\$2.4284
Monthly service charge	Per month	\$10,220.89	\$11,403.96	\$12,821.26	\$13,346.53	\$14,194.69

General Motors

	<i>Unit of Measure</i>	<i>Effective 2020</i>	<i>Effective January 1, 2021</i>	<i>Effective January 1, 2022</i>	<i>Effective January 1, 2023</i>	<i>Effective January 1, 2024</i>
Treatment	Per ccf per month	\$2.1498	\$2.1240	\$2.1428	\$2.2326	\$2.3396
Conveyance	Per ccf per month	\$0.4255	\$0.3355	\$0.3191	\$0.3447	\$0.3560
Total	Per ccf per month	\$2.5753	\$2.4595	\$2.4619	\$2.5773	\$2.6956
Monthly service charge	Per month	\$12,096.90	\$17,540.96	\$19,721.26	\$20,529.53	\$21,833.69

Institutional Power Plant

	<i>Unit of Measure</i>	<i>Effective 2020</i>	<i>Effective January 1, 2021</i>	<i>Effective January 1, 2022</i>	<i>Effective January 1, 2023</i>	<i>Effective January 1, 2024</i>
Treatment	Per ccf per month	\$3.7683	\$3.7661	\$3.7589	\$3.9281	\$4.1469
Conveyance	Per ccf per month	\$3.2680	\$3.5227	\$3.7285	\$3.9530	\$4.1588
Total	Per ccf per month	\$ \$7.0363	\$ \$7.2888	\$7.4874	\$7.8811	\$8.3057
Monthly service charge	Based on meter size per month as shown in § 51.069 (E)(2)					

Allen County Regional Water and Sewer District

	<i>Unit of Measure</i>	<i>Effective 2020</i>	<i>Effective January 1, 2021</i>	<i>Effective January 1, 2022</i>	<i>Effective January 1, 2023</i>	<i>Effective January 1, 2024</i>
Treatment	Per ccf per month	\$2.1047	\$2.1240	\$2.1248	\$2.2326	\$2.3396
Conveyance	Per ccf per month	\$0.8795	\$0.8939	\$0.8502	\$0.9184	\$0.9485
Total	Per ccf per month	\$2.9842	\$3.0179	\$2.9930	\$3.1510	\$ \$3.2881
Monthly service charge	Per month	\$19,058.89	\$21,266.96	\$23,910.26	\$24,890.53	\$26,471.69

(Ord. G-19-14, passed 7-22-14; Am. Ord. G-6-20, passed 2-25-20)