

**BEFORE THE COMMON COUNCIL  
FOR THE CITY OF JEFFERSONVILLE  
IN THE STATE OF INDIANA**

**ORDINANCE NO. 2009-OR- 43**

**AN ORDINANCE REPEALING ORDINANCE  
NOS. 2004-OR-46 AND 2004-OR-63 AND ESTABLISHING  
SEWER RATES AND SEWER CAPACITY FEES**

**WHEREAS**, the City of Jeffersonville ("City") has heretofore constructed and has in operation a sewage works for the purpose of collecting and disposing of sewage in a sanitary manner; and

**WHEREAS**, the existing sewage rates and charges were established in Ordinance No. 2004-OR-46; and

**WHEREAS**, the City is required to significantly invest in capital improvements for its sewage works to achieve compliance with obligations in the City's Consent Decree that was entered by the United States District Court for the Southern District of Indiana in addition to other initiatives including the expansion of the existing wastewater treatment plant to treat additional wet weather flow, the increase of the capacity of the Tenth Street Lift Station both of which will reduce the frequency and duration of the presently untreated combined sewer overflows which discharge to the Ohio River and Cane Run; and

**WHEREAS**, the City is required to provide sewer service to the recently annexed areas of the City which are currently on individual sewage disposal systems; and

**WHEREAS**, the City will be required to borrow funds to finance the capital improvements to the sewage works; and

**WHEREAS**, H. J. Umbaugh & Associates, Certified Public Accountants, LLP ("Umbaugh") has been engaged by the City to prepare a rate study for the City's sewage works; and

**WHEREAS**, based on the Umbaugh rate study, the Common Council of the City ("Council") finds that it is necessary to increase the sewage rates and charges in five phases as set forth in this ordinance; and

**WHEREAS**, the City maintains a capital improvement account in its sewer fund to provide for major repair and replacement of the wastewater treatment facility and collection system; and

**WHEREAS**, the City's existing sewer tap fees are set forth in Ordinance No. 2004-OR-63 and are the primary source of the capital improvement funds; and

**WHEREAS**, the existing tap fees are established for and based upon different classes of users; and

**WHEREAS**, it appears that the existing sewer rates and tap fees are inadequate to provide the necessary capital for future repair, expansion and replacement of the City's wastewater treatment facilities and collection systems; and

**WHEREAS**, the Council has authorized Umbaugh to prepare a study of the sewer tap fees and projected revenue; and

**WHEREAS**, the Umbaugh study indicates that the sewer tap fees should be based upon equivalent dwelling units ("EDUs"); and

**WHEREAS**, the Common Council of the City of Jeffersonville believes that it is in the best interest of the citizens to fairly spread the cost of capital repairs and replacement of the wastewater treatment facilities and collection systems among those whose use taxes the wastewater treatment facilities and collection systems' capacity; and

**WHEREAS**, the Council finds that it is necessary to revise its schedule of sewer tap fees according to usage based upon EDUs and rename such fee as a sewer capacity fee; and

**WHEREAS**, the Council has been advised that all proper notices have been given to permit the Council to amend, by the adoption of this ordinance, the City's existing sewage rates and charges and sewer tap fees;

**NOW THEREFORE, BE IT HEREBY ORDAINED** that the existing provisions of ORDINANCE No. 2004-OR-46 hereby repealed and replaced by the following provisions:

- (a) Metered Water Users:

The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured

by the water meter there in use, subject to a minimum charge, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read periodically, either monthly or such other period as is established by the Board of Public Works. The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

<b>Effective Date</b>	<u>Phase I</u> (Ord. Adoption)	<u>Phase II</u> (1/1/2012)	<u>Phase III</u> (1/1/2013)	<u>Phase IV</u> (1/1/2014)	<u>Phase V</u> (1/1/2015)
<b><u>All Users</u></b>					
<b><u>Metered</u></b>					
<b><u>Consumption:</u></b>					
<b><u>(Monthly Rate</u></b>					
<b><u>per 100 Cubic</u></b>					
<b><u>Feet)</u></b>					
First 1,000 Cubic Feet	\$6.96	\$7.63	\$8.36	\$9.16	\$10.05
Next 10,000 Cubic Feet	6.48	7.10	7.78	8.53	9.36
Over 11,000 Cubic Feet	5.98	6.55	7.18	7.87	8.63
<b><u>Minimum</u></b>	24.15	26.48	29.01	31.79	34.87
<b><u>Charge Per</u></b>					
<b><u>Month:</u></b>					

(b) **Unmetered Water Users:**

For single family residential users of the sewage works that are unmetered water users or for whom accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month. The rate shall be as follows:

Effective Date	Phase I (Ord. Adoption)	Phase II (1/1/2012)	Phase III (1/1/2013)	Phase IV (1/1/2014)	Phase V (1/1/2015)
Single family residential users	\$50.39	\$55.24	\$60.53	\$66.32	\$72.76

**NOW THEREFORE, BE IT HEREBY FURTHER ORDAINED** that the existing provisions of ORDINANCE No. 2004-OR-46 are hereby repealed and replaced by the following provisions:

- (a) Normal domestic waste strength sewage should not exceed a biochemical oxygen demand of 235 milligrams per liter of fluid, suspended solids in excess of 240 milligrams per liter of fluid or ammonia nitrogen in excess of 15 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of 30 cents per pound of suspended solids for suspended solids received in excess of 240 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of 30 cents per pound of biochemical oxygen demand for BOD received in excess of 235 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon NH3N

There shall be an additional charge of \$1.90 per pound of ammonia for NH3N received in excess of 15 milligrams per liter of fluid.

**NOW THEREFORE, BE IT HEREBY FURTHER ORDAINED** that the existing provisions of ORDINANCE NO. 2004-OR-63 and the corresponding provisions of Section 50.51 of the Jeffersonville Municipal Code are hereby repealed and substituted for a new formula for calculating the sewer tap fee and renaming the fee as the sewer capacity fee all as follows:

Prior to the issuance of a building permit for any new structure, a sewer capacity fee shall be levied against a user connecting to the City's sewage works. Said capacity fee shall be calculated as follows:

1. January 1, 2010 – December 31, 2010: One thousand five hundred dollars (\$1,500.00) per Equivalent Dwelling Unit.
2. January 1, 2011 – December 31, 2011: Two thousand four hundred dollars (\$2,400.00) per Equivalent Dwelling Unit.
3. Beginning on January 1, 2012 and continuing thereafter, prior to the issuance of a building permit for any new structure, a sewer capacity fee of three thousand three hundred dollars (\$3,300.00) per Equivalent Dwelling Unit (EDU) shall be levied against a user connecting to the City's sewage works.

A single family residential connection shall equal one (1) EDU. All other connections shall pay a sewer capacity fee based on the EDUs allocable to the classification of the user connecting to the sewage works. The capacity fee shall be nonrefundable and may only be refunded at the direction of the Director of the City's Wastewater Department.

Existing Single Family Residential Structures. Existing single family residential structures within the City of Jeffersonville that are not currently connected to the City's sewage works shall pay a capacity fee of one thousand five hundred dollars (\$1,500.00), regardless of the time the user connects to the City's sewage works.

Calculation of Sewer Capacity Fee. The sewer capacity fee shall be calculated as follows.

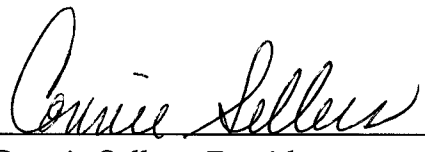
$$\text{Connection Fee} = \text{Number of EDUs} \times \text{Rate per EDU.}$$

The number of EDUs shall be calculated by the Average Daily Flow (ADF) for the proposed connection as set forth in the latest standards as approved by the City of Jeffersonville Sanitary Sewer Board which provide the design and construction standards for lateral connections and sanitary sewer facilities constructed within the City of Jeffersonville Service Area.

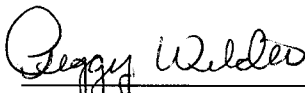
A sewer tap inspection fee of one hundred dollars (\$100.00) shall be levied against a user connecting to the City's sewage works. The Sewer Tap Inspection Fee shall be paid prior to the lateral connection is made to the City of Jeffersonville sanitary sewer facilities as required in the Sanitary Sewer Construction Standards.

**NOW THEREFORE, BE IT HEREBY FURTHER ORDAINED** that the Phase I rates and charges and the sewer tap fees as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance; the rates and charges for Phases II, III, IV and V shall become effective on the dates set forth herein.

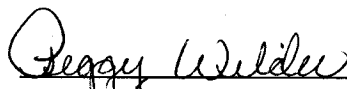
Passed this 21<sup>st</sup> day of December, 2009.

  
\_\_\_\_\_  
Connie Sellers, President  
City of Jeffersonville Common Council

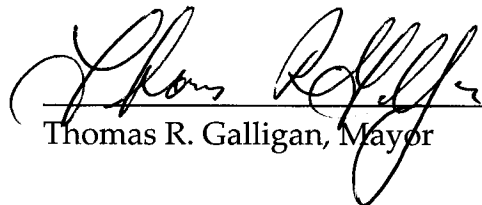
ATTEST:

  
\_\_\_\_\_  
Peggy Wilder, Clerk-Treasurer

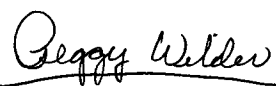
Presented by me as Clerk-Treasurer to the Mayor of said City of Jeffersonville, Indiana this 22<sup>nd</sup> day of December, 2009.

  
\_\_\_\_\_  
Peggy Wilder, Clerk-Treasurer

This ordinance approved and signed by me this 23<sup>rd</sup> day of December, 2009.

  
\_\_\_\_\_  
Thomas R. Galligan, Mayor

ATTEST:

  
\_\_\_\_\_  
PEGGY WILDER, CLERK TREASURER - 6 -