

## **ORDINANCE 12-02**

### **AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING WASTEWATER RATES AND CHARGES AND CERTAIN RELATED MATTERS AND AMENDING AND SUPERSEDING PRIOR ORDINANCES RELATING THERETO**

**WHEREAS**, the City of Westfield, Indiana (the “City”) is governed by the City Council (the “Council”): and

**WHEREAS**, the City owns and operates a wastewater utility through its Department of Public Works (the “Department”): and

**WHEREAS**, the City operates a wastewater utility and has in place rates, charges and fees pursuant to wastewater Ordinances and this ordinance amendment change shall have no effect on any other ordinance already in full force effect: and

**WHEREAS**, the Council adopted rates and charges for wastewater services pursuant to Ordinance 04-16 enacted on June 14, 2004, Ordinance 08-39: and

**WHEREAS**, the Council has the authority and responsibility to amend ordinances and to establish and adjust rates and charges for wastewater utility service pursuant to IC 36-9-23-25, and

**WHEREAS**, the City requested its financial adviser to conduct a financial study to assess the adequacy and fairness of the rates and charges in respect to the cost of service for providing wastewater utility service to the City’s customers, pursuant to IC 36-9-23-25: and

**WHEREAS**, as a result of the cost of service studies, the Council has determined that it is in the best interest of the City to adjust the rates and charges to fully recover the cost of service to its customers, as required by IC 36-9-23-25: and

**WHEREAS**, the City has consulted with its financial advisor and finds that the changes contemplated hereby are reasonable, equitable, non-discriminatory and just: and

**WHEREAS**, the Council has been advised that the proper notice has been given as required and a hearing on such rates and charges has been conducted by the Council; and

**NOW, THEREFORE, BE IT ORDAINED, by this City Council of the City of Westfield, Indiana, meeting in regular session, that:**

**ORDINANCE 12-02 is ADOPTED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, BY THE WESTFIELD CITY COUNCIL, HAMILTON COUNTY**

**WESTFIELD CITY COUNCIL**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ Jim Ake	_____ Jim Ake	_____ Jim Ake
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ Steven Hoover	_____ Steven Hoover	_____ Steven Hoover
_____ Robert L. Horkay	_____ Robert L. Horkay	_____ Robert L. Horkay
_____ Robert J. Smith	_____ Robert J. Smith	_____ Robert J. Smith
_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric
_____ Robert W. Stokes	_____ Robert W. Stokes	_____ Robert W. Stokes

ATTEST:

“I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.”

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

This ordinance prepared by  
Brian Zaiger, Attorney at Law  
KRIEG DEVAULT, LLP  
12800 North Meridian St.  
Carmel, Indiana  
317-238-6266

I hereby certify that ORDINANCE 12-02 was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 12-02

this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 12-02

this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
J. Andrew Cook, Mayor

Exhibit A

City of Westfield  
Wastewater Service Rates and Charges

Section 1. The Wastewater Services Rules and Regulations, as adopted by Ordinance 03-21 and as amended by Ordinance 05-26 Ordinance 06-28, and Ordinance 09-04 are hereby amended.

Section 2. The actions of the City and Department staff working under the provisions of this Ordinance are to be deemed in accordance with City policy.

Section 3. Any current City or Department policy in effect contrary to the provisions of this Ordinance shall be deemed void. Any portion of this Ordinance that may later be deemed invalid shall not affect the remaining provisions.

Section 4. This Ordinance shall become effective upon its adoption and proper publication in accordance with Indiana law; provided, however, that the rates adopted in Section 6 shall be effective for bills rendered after April 15, 2012. All ordinances or parts thereof in conflict herewith are hereby ordered repealed, except as set forth herein

Section 5. The 1-Public Utilities of the City of Westfield, Indiana, Basic Code of Ordinances, Section 13.12.030 is amended by the addition of the language, as follows:

Section 6. Service Area Residential Customers. For those residential customers located in the areas identified on the attached service area map the rates and charges shall as follows:

Table 1

City of Westfield  
Waste Water Rates and Charges

**RESIDENTIAL SEWER RATES**

*Total monthly charges consist of Base + Usage*

	2012	2013	2014	2015	2016
<b>Base Charge</b>	\$ 13.51	\$ 14.73	\$ 15.32	\$ 15.78	\$ 16.10
<b>Proposed Minimum Usage Charges 0-5,000 gallons</b>	\$ 29.35	\$ 32.00	\$ 33.30	\$ 34.30	\$ 35.00
<b>Total of Minimum Charges</b>	\$ 42.86	\$ 46.73	\$ 48.62	\$ 50.08	\$ 51.10

<b>All Usage over 5,000 gallons</b>	<b>Rate per 1,000 gallons</b>	\$ 5.87	\$ 6.40	\$ 6.66	\$ 6.86	\$ 7.00
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**Summer Sewer Savings Monthly Maximum Charge  
(Residential Base + Usage for 9,000 gallons  
during the July thru October billings for  
usage during June thru September)**

\$ 66.34	\$ 72.33	\$ 75.26	\$ 77.52	\$ 79.10
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**Monthly Rate for Unmetered Residential  
( Residential Base + Usage for 9,000 gallons)**

\$ 66.34	\$ 72.33	\$ 75.26	\$ 77.52	\$ 79.10
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## NON-RESIDENTIAL SEWER RATES

<b>Non-Residential Users - Base Meter Charge</b>		<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
5/8 - 3/4	Inch Meter	\$ 13.51	\$ 14.73	\$ 15.32	\$ 15.78	\$ 16.10
1	Inch Meter	\$ 33.78	\$ 36.82	\$ 38.29	\$ 39.44	\$ 40.23
1 1/4	Inch Meter	\$ 54.05	\$ 58.91	\$ 61.27	\$ 63.11	\$ 64.37
1 1/2	Inch Meter	\$ 78.38	\$ 85.43	\$ 88.85	\$ 91.52	\$ 93.35
2	Inch Meter	\$ 135.14	\$ 147.30	\$ 153.19	\$ 157.79	\$ 160.95
3	Inch Meter	\$ 310.81	\$ 338.78	\$ 352.33	\$ 362.90	\$ 370.16
4	Inch Meter	\$ 540.54	\$ 589.19	\$ 612.76	\$ 631.14	\$ 643.76
6	Inch Meter	\$ 1,229.73	\$ 1,340.41	\$ 1,394.03	\$ 1,435.85	\$ 1,464.57
8	Inch Meter	\$ 2,186.48	\$ 2,383.26	\$ 2,478.59	\$ 2,552.95	\$ 2,604.01

## Non-Residential Users - Total Minimum Charge (Minimum Usage + Base Meter Charge)

		<b>Min Gallons</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
5/8 - 3/4	Inch Meter	5,000	\$ 42.86	\$ 46.73	\$ 48.62	\$ 50.08	\$ 51.10
1	Inch Meter	12,500	\$ 107.16	\$ 116.82	\$ 121.54	\$ 125.19	\$ 127.73
1 1/4	Inch Meter	20,000	\$ 171.45	\$ 186.91	\$ 194.47	\$ 200.31	\$ 204.37
1 1/2	Inch Meter	29,000	\$ 248.61	\$ 271.03	\$ 281.99	\$ 290.46	\$ 296.35
2	Inch Meter	50,000	\$ 428.64	\$ 467.30	\$ 486.19	\$ 500.79	\$ 510.95
3	Inch Meter	115,000	\$ 985.86	\$ 1,074.78	\$ 1,118.23	\$ 151.80	\$ 1,175.16
4	Inch Meter	200,000	\$ 1,714.54	\$ 1,869.19	\$ 194.76	\$ 2,003.14	\$ 2,043.76
6	Inch Meter	455,000	\$ 3,900.58	\$ 4,252.41	\$ 4,424.33	\$ 4,557.15	\$ 4,649.57
8	Inch Meter	809,000	\$ 6,935.31	\$ 7,560.86	\$ 7,866.53	\$ 8,102.69	\$ 8,267.01

**All Usage over Meter Size Minimum  
Rate per 1,000 gallons**

<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
\$ 5.87	\$ 6.40	\$ 6.66	\$ 6.86	\$ 7.00

### Section 7. Customer Account Deposit.

Any existing or new customers rendering services that have a history of poor credit ratings either with the City of Westfield Public Works Department or have a documented poor credit rating, shall deposit an

amount not to exceed an amount equal to 3 monthly wastewater bills based on 5000 gallons usage. Administration of Customer Account Deposits will be administered pursuant to IC 39-9-23-28.

Section 8. Other Charges.

All customers shall be subject to the following charges:

Reconnection Charge-----	\$24.00
Returned Check Charge-----	\$27.00
Administrative Account Charge-----	\$20.00
Fee for customers choosing to change information on their account.	

Section 9. After Hours Service Call.

Any customer who requests service outside of normal business hours, at no fault of the City or Public Work's Department shall be assessed an After Hours Service Fee. The customer shall pay an After Hours service call charge of \$45.00 per hour, with a minimum charge of one hour.

After Hours Service Call Fee-----	\$45.00 per hour
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Section 10. Credit Card.

Any customer who conducts a credit card transaction via a credit card shall be assessed a transaction fee charge as set or determined by a third party vendor.

Section 11. Any owner-occupant who is eligible for, and has filed one of the following claims listed below is eligible for a ten dollar (\$10.00) per month credit from the residential minimum monthly scheduled rates listed above:

- a. A claim for an over age 65 deduction for property taxes pursuant to Indiana Code 6-1.1-12-9;
- b. A claim for a blind and disabled deduction for property taxes under Indiana Code 6-1.1-12-11;
- c. A claim for a disabled veteran or surviving spouse of a World War I veteran deduction for property taxes pursuant to Indiana Code 6-1.1-12-13

A residential parcel may receive only one (1) credit even though the owner-occupant may be eligible under more than one statute.

Such claims must be filed with the Hamilton County Auditor and the property owner shall not be eligible until the first billing cycle after the claim is filed. Any owner-occupant must file a marked copy of the owner's affidavit requesting one of the above listed deductions with the Westfield Public Works Department's Customer Service Division to be eligible.

Section 12. Prior Ordinances. Except as otherwise set forth herein, this Ordinance supersedes Ordinance 04-16.

## **EXHIBIT B**

### WPWD Service Area - Sewer

