2012013236 ORDINANCE $26.00
03/15/2012 10:51:00A 8 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 12-02

AN ORDINANCE OF THE CITY OF WESTFIELD AMENDING WASTEWATER RATES AND CHARGES AND CERTAIN RELATED MATTERS

WHEREAS, the City of Westfield, Indiana (the "City") is governed by its duly elected Mayor and 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 Council has previously adopted rates and charges for wastewater services pursuant by Ordinances 04-16 and Ordinance 08-39; and,

WHEREAS, the Council has the authority and 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;

COPY

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

Section 1. The Public Utilities of the City of Westfield, Indiana, Basic Code of Ordinances, Section 13.12.030 is hereby amended by the provisions of Exhibit "A", attached hereto and incorporated by reference herein.

Section 2. 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. An illustrative map of the service area is attached as Exhibit "B" and incorporated by reference herein.

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. All ordinances or parts thereof in conflict herewith are hereby ordered repealed. All acts undertaken to create this Ordinance are hereby ratified.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS ORDAINED THIS 12 DAY OF Mar 2012.

WESTFIELD CITY COUNCIL

Voting For	Voting Against	Abstain
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
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy Spoljaric
Robert J. Smith	Robert J. Smith	Robert J. Smith
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk Treasurer

"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"

Signed

I hereby certify that ORDINANCE 12-02 was delivered to the Mayor of Westfield on the 13 day of Mar, 2012, at 2:20pm

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 12-02 this 14 day of March, 2012.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 12-02 this _____ day of _____, 2012.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

"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."

Signed

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

Exhibit A

City of Westfield
Wastewater Service Rates and Charges

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
Base Charge		$ 13.51	$ 14.73	$ 15.32	$ 15.78	$ 16.10
Proposed Minimum Usage Charges	**0-5000 gallons**	$ 29.35	$ 32.00	$ 33.30	$ 34.30	$ 35.00
Total of Minimum Charges		*$ 42.86*	*$ 46.73*	*$ 48.62*	*$ 50.08*	*$ 51.10*
All Usage over 5000 gallons	**Rate per 1,000 gallons**	$ 5.87	$ 6.40	$ 6.66	$ 6.86	$ 7.00

Summer Sewer Savings Program

For the months of May-October, usage billed will be based upon the lesser of actual or 125% of the average winter water usage. Winter average water usage shall be calculated using the 125% of each customer's average for the previous November - February. If no reliable history is available, the winter average will equal 9,000. In no event will the sewer usage billed be less than 5,000 which is the minimum charge.

Monthly Rate for Unmetered Residential (Residential Base + Usage for 9000 gallons)	$ 66.34	$ 72.33	$ 75.26	$ 77.52	$ 79.10

NON-RESIDENTIAL SEWER RATES

Non-Residential Users - Base Meter Charge		2012	2013	2014	2015	2016
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)

		Min Gallons	2012	2013	2014	2015	2016
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	$1,151.80	$1,175.16
4	Inch Meter	200,000	$1,714.54	$1,869.19	$1,940.76	$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	2012	2013	2014	2015	2016
Rate per 1,000 gallons	$ 5.87	$ 6.40	$ 6.66	$ 6.86	$ 7.00

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.

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.

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.

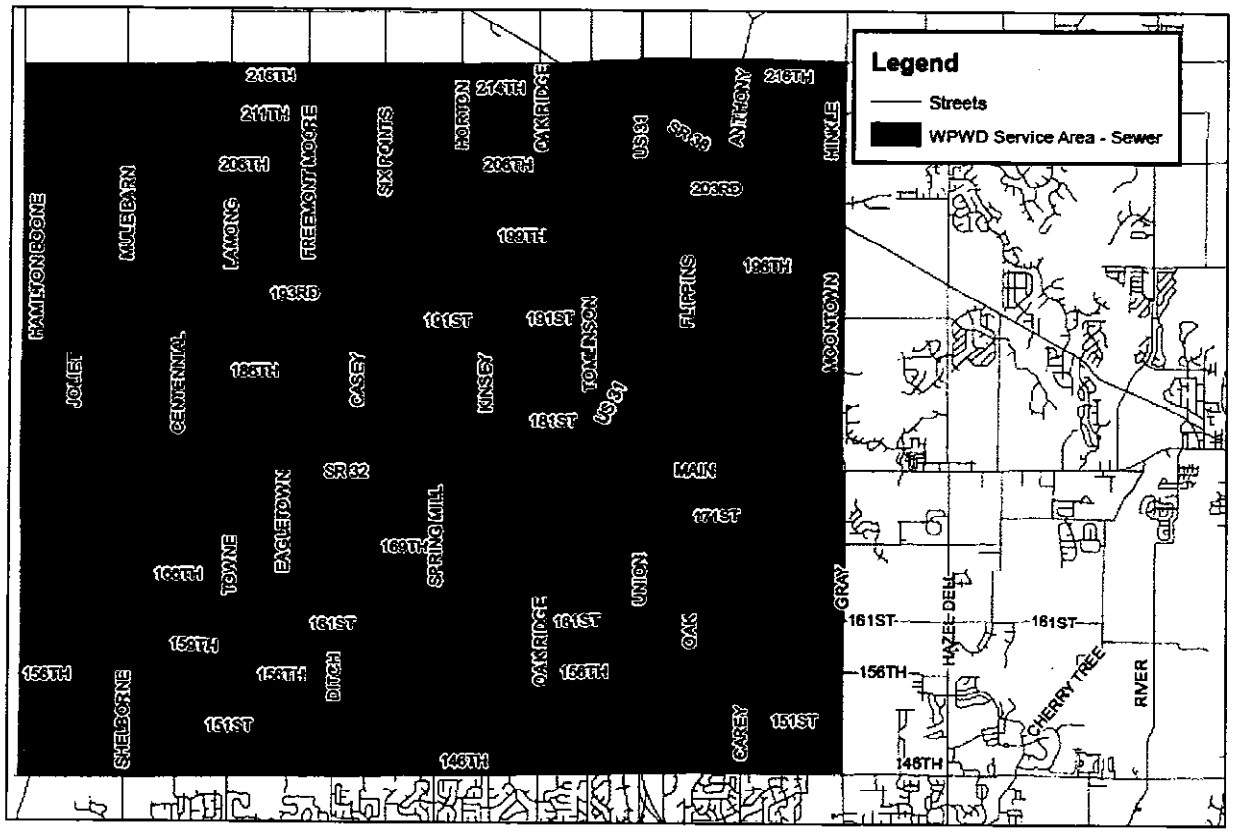
Credit Card. Any customer who conducts a credit card transaction via a credit card shall be assessed a transaction fee charge as set or determined by a third party vendor.

Reduction Credit. 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 statue.

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.

EXHIBIT B

WPWD Service Area - Sewer