

**ORDINANCE NO. 11**  
**SEWER RATE ORDINANCE**

An ordinance establishing a schedule of rates and charges to be collected by the Town of Francesville from the owners of property served by the sewage works of said Town and other matters connected therewith.

**WHEREAS**, the Town maintains and operates a sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner financed in part by a grant from the U.S. Environmental Protection Agency; and

**WHEREAS**, it is necessary to establish a schedule of rates and charges so as to produce a sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, and to pay the principal and interest on the revenue bonds in accordance with the applicable bond ordinance, all in a manner in accordance with the guidelines of the U.S. Environmental Protection Agency; now, therefore,

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRANCESVILLE:**

**Section 1.** Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Board" shall mean the Town Council of the Town of Francesville, or any duly authorized officials acting in its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (c) "CBOD" (or Carbonaceous Biochemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (d) "Class 1 User" shall mean residential, institutional, governmental, commercial, and industrial users connected to Francesville's public sewers.
- (e) "COD" (or Chemical Oxygen Demand) shall have the same meaning as defined in the Sewer Use Ordinance.
- (f) "Debt Service Costs" shall mean the average annual principal and interest payments on all revenue bonds or other long-term capital debt.
- (g) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."
- (h) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade, or business processes as distinct from employee waste or wastes from sanitary conveniences.
- (i) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.

- (j) "Normal Domestic Sewage" (for purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

S.S. not more than 250 mg/l

BOD not more than 250 mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from industrial processes.

- (k) "Operation and Maintenance Cost" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State, and local requirements (these costs include replacement).
- (l) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than excessive strength surcharges.
- (m) "Person" shall mean any and all person, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (n) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories to appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (o) "S.S." (or suspended solids) shall have the same meaning as defined in the Sewer Use Ordinance.
- (p) "Shall" is mandatory; "May" is permissive.
- (q) "Single Family Dwelling Unit" shall mean a residential connection not served by the municipal water utility and consequently whose water usage is unmetered.
- (r) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- (s) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (t) "Town" shall mean the Town of Francesville acting by and through the Town Council.
- (u) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (v) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities, (i.e. residential, commercial, industrial, institutional, and governmental in the User Charge System).



**Residential User:** shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

**Commercial User:** shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

**Institutional User:** shall mean any establishment involved in a social, charitable, religious, and/or educational function, which, based on a determination by the Town discharges primarily segregated domestic wastes from sanitary conveniences.

**Governmental User:** shall mean any Federal, State, or local government user of the wastewater treatment works.

**Industrial User:** shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

**Section 2.** Every person whose premises are served by said sewage works shall be charged for the service provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(a) User charges are subject to the rules and regulations adopted by the U.S. Environmental Protection Agency published in the Federal Register February 17, 1984 (40 CFR 35.2140). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

(b) The various classes of users of the treatment works for the purpose of this Ordinance, shall be as follows:

Class I-	Residential
	Commercial
	Governmental
	Institutional
	Industrial

**Section 3.** For the use of the service rendered by sewage works, rates, and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determine as follows: (a) 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, plus a base charge based on the size of water meter installed except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

All Class I Connections – Inside Town

(1) Treatment rate per 1,000 gallons of usage per month:

Phase I*			Phase II**		
User	Debt		User	Debt	
<u>Charge</u>	<u>Service</u>	<u>Total</u>	<u>Charge</u>	<u>Service</u>	<u>Total</u>
\$1.52	\$1.40	\$2.92	\$1.58	\$1.45	\$3.03

Plus

(2) Base rate per month:

	Phase I*			Phase II**		
	User	Debt		User	Debt	
	<u>Charge</u>	<u>Service</u>	<u>Total</u>	<u>Charge</u>	<u>Service</u>	<u>Total</u>
5/8" - 3/4" water meter	\$7.25	\$24.05	\$31.30	\$7.55	\$24.95	\$32.50
1" water meter	12.90	62.20	75.10	13.40	64.55	77.95
1 1/2" water meter	32.05	139.50	171.55	33.25	144.80	178.05
2" water meter	53.75	240.50	294.30	55.80	249.65	305.45
3" water meter	120.95	553.20	674.15	125.55	574.20	699.75
4" water meter	213.95	986.15	1,200.10	222.10	1,023.60	1,245.70
6" water meter	477.45	2,212.85	2,690.30	495.60	2,296.95	2,792.55
8" water meter	849.50	3,944.65	4,794.15	881.75	4,094.55	4,976.30

All Class I Connections – Outside Town

(1) Treatment rate per 1,000 gallons of usage per month:

Phase I*			Phase II**		
User	Debt		User	Debt	
<u>Charge</u>	<u>Service</u>	<u>Total</u>	<u>Charge</u>	<u>Service</u>	<u>Total</u>
\$1.75	\$1.60	\$3.35	\$1.82	\$1.66	\$3.48

Plus

(2) Base rate per month:

	Phase I*			Phase II**		
	User	Debt	Total	User	Debt	Total
	<u>Charge</u>	<u>Service</u>		<u>Charge</u>	<u>Service</u>	
5/8" - 3/4" water meter	\$8.35	\$27.60	\$35.95	\$8.65	\$28.65	\$37.30
1" water meter	14.85	71.45	86.30	15.40	74.15	89.55
1 1/2" water meter	36.85	160.25	197.10	38.20	166.35	204.55
2" water meter	61.80	276.35	338.15	64.10	286.85	350.95
3" water meter	139.00	635.60	774.60	144.25	659.75	804.00
4" water meter	245.80	1,133.10	1,378.90	255.20	1,176.10	1,431.30
6" water meter	548.60	2,542.55	3,091.15	569.45	2,639.20	3,208.65
8" water meter	976.05	4,532.40	5,508.45	1,013.10	4,704.65	5,717.75
West Central High School	666.40	-	666.40	691.75	-	691.75

(b) For Class I users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges are determined is as follows:

Monthly Rate

	Phase I*			Phase II**		
	User	Debt	Total	User	Debt	Total
	<u>Charge</u>	<u>Service</u>		<u>Charge</u>	<u>Service</u>	
Residential:						
Single Family dwelling unit						
Inside Town	\$14.44	\$32.11	\$46.55	\$17.20	\$38.25	\$48.30
Outside Town	16.57	36.88	53.45	19.75	43.95	55.45

\*Phase I effective upon adoption.

\*\*Phase II effective January 1, 2021.

***Outside corporate Town boundaries rates and charges for customers are approximately 14.9% higher than rates and charges for customers inside corporate Town boundaries.***

(c) For the service rendered to the Town said Town shall be subject to the same rates and charges.

(d) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user not less than \$35.00 per sampling event plus the actual cost for collecting and analyzing the sample(s) as determined by the Town or by an independent laboratory. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.



**Section 4.** The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sanitary sewage system.

- (a) In the event a lot, parcel of real state or building, discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly is not a user of water supplied by the water utility serving the Town, and the water used thereon, or therein is not measured by the water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall, at their expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waters, water or other liquids into the Town's sanitary sewage system, either directly, or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a meter acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at their expense, install and maintain meters, weird, volumetric measuring devised or any adequate and approved method of measurement acceptable to the Town for determination of sewage discharge.
- (c) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quality of water is measured by a single water meter, then in such case, billing shall be for a single service in the matter set out elsewhere herein. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (d) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at their expense, install and maintain meters, weirs, volumetric measuring devises or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

**Section 5.** In order that the rates and charges may be justly and equitable adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner, by such method and at such times as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

(a) Normal sewage domestic waste strength should not exceed a suspended solid in excess of 250 milligrams per liter of fluid or biochemical oxygen demand in excess of 250 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 12 cents per pound of suspended solids for suspended solids receiving in excess of 250 milligrams per liter of fluid.

(2) **Rate Surcharge Based upon BOD**

There shall be an additional charge of 12 cents per pound biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.

(b) The determination of Suspended Solids, Biochemical Oxygen Demand, Ammonia and Phosphorus contained in the waster shall be in accordance with the latest copy of "Standard Methods for the Elimination of Water, Sewage, and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR Part 136.

**Section 6.** Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

(a) The rates and charges for all users shall be prepared and billed monthly.

(b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such made as herein required.

The owners or properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.



(c) As provided by statute, all rates and charges not paid by the 15th day of the month following receipt are hereby declared to be delinquent and a penalty of ten (10%) of the amount of the rates and charges shall thereupon attach thereto.

**Section 7.** In order that the rates and charges for sewage services may remain in proportion to the cost of providing services to the various users or user classes, the Town shall cause a study to be made within a reasonable period of time following this rate adjustment.

**Section 8.** The Town shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economical, and efficient management of the Town's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, the sewage collection system and for the regulation, collection and rebating and refunding of such rates and charges.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town, or to require method affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the sewage works or as contained in the EPA General Pretreatment Regulations, 40 CFR Part 403 and any amendments thereto or the Town's Pretreatment Programs Plan.

**Section 9.** That the rules and regulations promulgated by the Town, after approval by the Town, after approval by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge systems to the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

**Section 10.** The invalidity of any section, clauses, sentence or provision of this ordinance shall not affect any other part of this ordinance which shall be given facts, without such involved part or parts.

**Section 11.** The Board is hereby further authorized to enter into special rate contacts with customers of the sewage works where clearly definable reduction in cost to the sewage works can be determine, and such redaction shall be limited to such reduced costs.

**Section 12.** The rates and charges as herein set forth shall become effective on the first full billing period occurring after the adoption of this ordinance.



**Section 13.** The owner of any lot, parcel, or real buildings connecting to the sewage works, plants, prior to being permitted to make a connection shall comply with all applicable Federal, state, county, and town laws, rules and regulations and shall pay a connection charge which shall be the sum of the following:

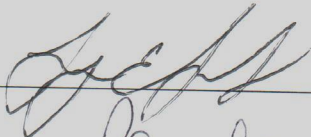
- (a) An Amount of One Thousand Dollars (\$1000.00).
- (b) Any such owners so connecting shall install all components to the building drain and building lateral sewer and shall pay the costs of such components and their installation and connection to the public sewer.

Any such owners so connecting shall install all components of the private sewer as required by the Town to connect such private sewer into the public sewer system and shall pay the costs of such components and their installation.

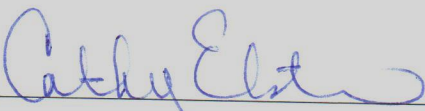
**Section 14.** The Board shall not grant free service or use of the sewage treatment system to any person, group, or entity. It is not necessary for an area or parcel of real estate to be annexed to the Town to receive sewage treatment.

**Section 15.** This ordinance shall be in full force and effect from and after its passage, approval, recording a publication as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FRANCESVILLE  
ON THE 2nd DAY OF December, 2019.

  
\_\_\_\_\_  
Pamela Martin  
\_\_\_\_\_  
Sydney Diving  
\_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer