

ORDINANCE 2021-02

AN ORDINANCE AMENDING RATES AND CHARGES FOR THE
USE OF AND SERVICES RENDERED BY THE
CITY OF AUSTIN, INDIANA SEWAGE WORKS

WHEREAS, pursuant to Ind. Code § 36-9-23-1 et seq., the Austin Common Council (“Council”) shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works, and provide the dates on which the fees are due;

WHEREAS, Ind. Code § 36-9-23-25(b) provides that just and equitable fees are the fees required to maintain the sewage works in the sound physical and financial condition necessary to render adequate and efficient service;

WHEREAS, the fees must be sufficient to: (1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations; (2) provide the sinking fund required by Ind. Code § 36-9-23-21; (3) provide adequate money to be used as working capital; and (4) provide adequate money for improving and replacing the works;

WHEREAS, the City’s financial advisor has conducted a rate study (“Rate Study”) and provided the Council with said Rate Study, attached hereto as Exhibit “A” and incorporated herein;

WHEREAS, the Rate Study has fully analyzed the costs of operation of the Sewage Works including reasonable forecasts of expenses, sinking fund, working capital and debt service requirements of the Sewage Works;

WHEREAS, Indiana Code § 36-9-23-25(d)(1) authorizes the City to charge a flat fee for each sewer connection in the City;

WHEREAS, Indiana Code § 36-9-23-25(d)(2) authorizes the City to charge a sewer fee based on the amount of water used on the property;

WHEREAS, Indiana Code § 36-9-23-25(d)(3) authorizes the City to charge a sewer fee based on the number and size of water outlets on the property;

WHEREAS, after introduction of the ordinance establishing fees, but before it is finally adopted, the Council must hold a public hearing at which users of the sewage works, owners of

property served or to be served by the works, and other interested persons may be heard concerning the proposed fees.

WHEREAS, pursuant to Ind. Code § 36-9-23-26, on March 9, 2021, the Council held a public hearing regarding the fees, which was properly noticed.

WHEREAS, the City Council now finds that the existing rates and charges for the use of the service rendered by the sewage works are too low and are insufficient to enable the City to properly operate its sewage works plant and infrastructure, provide for depreciation, and finance necessary extensions and additions; that the future improvements will improve the service rendered by the sewages work system and increase the value of the sewage works to the City and its citizens; and that the existing rates and charges should be increased.

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN as follows:

Section 1. The rates and charges for users of the sewage works of the City are amended as follows:

A. Metered Users:

Monthly minimum charge

<u>Meter Size</u>	<u>Gallons</u>	<u>Rate</u>
5/8"	1,530	\$20.47
1"	6,500	\$69.93
1.5"	15,380	\$158.28
2"	29,725	\$301.01
3"	76,210	\$763.54
4"	151,310	\$1,508.99
6"	419,025	\$4,174.55

Includes Base Charge Below

5/8"	\$5.25
1"	\$5.25
1.5"	\$5.25
2"	\$5.25

3"	\$5.25
4"	\$5.25
6"	\$5.25
Monthly Flow Charge	Per 1,000 Gallons
All Users	\$9.95

B. Unmetered Users:

Residential Single Family	\$45.05
Vacant Property	\$5.25

C. Outside City Surcharge: Customers living outside the City Limits will be billed 130% of the above rates and charges.

D. Excessive Strength Charge:

Monthly Charge Per Pound (lb)	
Biological oxygen demand	\$0.45
Suspended Solids	\$0.45

Section 2. The City shall conduct an annual review of these rate provisions in order that variations in the cost revenue pattern can be altered in an equitable manner in the charges to all users.

Section 3. All other ordinances or provisions thereof not specifically changed shall remain in full force and effect.

Section 4. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 5. This ordinance is and shall be effective as of the date of passage and upon notice provided pursuant to Indiana law.

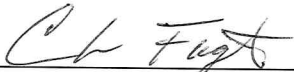
Section 6. The rates and charges set out herein shall become effective on April 1, 2021.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana on March 9, 2021 by a vote of 5 to 0.



 ROGER HAWKINS, Mayor
 Presiding Officer

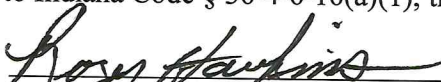
Attest:


Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 9th day of March 2021 at 6:25 p.m.


Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), this ____ day of March 2021 at 6:25 p.m.


Roger Hawkins, Mayor

Attest:


Chris Fugate, Clerk-Treasurer

PREPARED BY: Joshua Stigdon
Houston, Thompson and Lewis, PC
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Scottsburg, IN 47170