

**ORDINANCE NO. 2022-22**

**AN ORDINANCE AMENDING ORDINANCE NOS. 2022-12; 18-06; 10-10; 09-06; 04-09; 03-10; 99-8; 80-12; AND 78-24 ESTABLISHING A SCHEDULE OF NON-RECURRING RATES AND CHARGES COLLECTED FOR THE USE OF AND SERVICES PROVIDED BY THE WATER WORKS UTILITY OF THE CITY OF LEBANON**

WHEREAS, the City of Lebanon, Indiana (“City”) owns and operates through its Utility Service Board (“Board”) a water utility known as Lebanon Utilities (the “Utility”) for the purpose of providing safe, reliable and efficient water in and around the City pursuant to Ind. Code §8-1.5 et. seq., as amended, and other applicable provisions of Indiana Law (collectively, the “Act”);

WHEREAS, Common Council for the City of Lebanon (“City Council”), based upon recommendations from the Board periodically evaluates, changes and readjusts its various fees and charges to collect sufficient revenue in order to pay all the expenses incident to the operation and maintenance of the Utility, including, but not limited to improving the system for existing rate payers; and planning, budgeting, and expanding the facilities in order to serve new customers;

WHEREAS, the Board, based in part upon the advice of its financial advisor, Baker Tilly Municipal Advisors, LLC (“Baker Tilly”), has adopted Resolution 2022-03 recommending to the City Council various adjustments to the non-recurring fees and charges;

WHEREAS, the City Council has caused notice of a public hearing set forth hearing on the charges set forth herein to be duly advertised, posted and mailed and has held a public hearing thereon; and

WHEREAS, the City Council finds that the proposed modifications to the City’s existing non-recurring fees and charges should be enacted.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Lebanon, Indiana, that the non-recurring fees and charges be modified and therefore Ordinance Nos. 2022-12; 18-06; 10-10; 09-06; 04-09; 03-10; 99-8; 80-12; and 78-24 are amended as follows:

Schedule of Water Rates and Charges (8" Meter) Collected by the City of Lebanon,  
Indiana From the Owners of Property Served by the Water Works

**Section 1.**

(a) There shall be and there are hereby established for the use of and services rendered by the water works system of the City of Lebanon, the following rates and charges, based upon the amount of water supplied during each monthly billing period:

			<u>Rate Per 100 Cubic Feet</u>				
<u>Consumption Per Month</u>			<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
First	500	Cubic Feet	\$5.35	\$5.87	\$6.45	\$7.09	\$7.47
Next	1,000	Cubic Feet	4.76	5.23	5.75	6.32	6.66
Next	2,000	Cubic Feet	4.10	4.50	4.95	5.44	5.73
Next	4,000	Cubic Feet	3.45	3.79	4.17	4.58	4.83
Next	8,000	Cubic Feet	2.68	2.94	3.23	3.55	3.74
Over	15,500	Cubic Feet	2.13	2.34	2.57	2.82	2.97

Each user shall pay a minimum monthly charge in accordance with the size of the meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<u>Minimum Charge</u> <u>Meter Size</u>	<u>Cubic Ft.</u> <u>Allowed</u>	<u>Rate Per Month</u>				
		<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
5/8 – 3/4 inch meter	300	\$16.05	\$17.61	\$19.35	\$21.27	\$22.41
1 inch meter	614	32.18	35.31	38.81	42.65	44.94
1 ¼ inch meter	1,285	64.12	70.41	77.39	85.06	89.63
1 ½ inch meter	1,776	85.67	94.07	103.41	113.66	119.76
2 inch meter	2,825	128.68	141.28	155.34	170.73	179.87
3 inch meter	6,422	257.16	282.39	310.60	341.28	359.68
4 inch meter	12,478	427.76	469.60	516.34	567.37	597.93
6 inch meter	31,764	855.17	939.03	1,031.93	1,133.29	1,193.99
8 inch meter	50,822	1,261.11	1,384.98	1,521.73	1,670.73	1,760.01

**Public/Private Fire Protection:**

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Hydrant Rental – (Each, per annum)	\$546.47	\$600.02	\$659.42	\$724.70	\$763.83

**Automatic Sprinklers:**

<u>Connection Size</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
5/8 inch meter	\$6.99	\$7.68	\$8.44	\$9.28	\$9.78
3/4 inch meter	10.00	10.98	12.07	13.26	13.98
1 inch meter	17.94	19.70	21.65	23.79	25.07
1 ¼ inch meter	27.91	30.65	33.68	37.01	39.01
1 ½ inch meter	40.22	44.16	48.53	53.33	56.21
2 inch meter	71.48	78.49	86.26	94.80	99.92
3 inch meter	160.78	176.54	194.02	213.23	224.74
4 inch meter	285.87	313.89	344.97	379.12	399.59
6 inch meter	643.20	706.23	776.15	852.99	899.05
8 inch meter	1,143.46	1,255.52	1,379.82	1,516.42	1,598.31
10 inch meter	1,786.67	1,961.76	2,155.97	2,369.41	2,497.36
12 inch meter	2,572.72	2,824.85	3,104.51	3,411.86	3,596.10

(b) Tapping fees. No connection to the City’s water works system shall be allowed until a permit is obtained and payment of Availability Fees, Connection Fees, and Inspection Fees has been made to the City, or if applicable, payments have been arranged in accordance with Section 2(c) of this Ordinance.

(1) Availability Fee. The charge to a user for a new connection to or additional water usage from an existing connection to the City’s water works system and is charged as a pro rata cost of construction of all water distribution mains and appurtenances to serve the property of the connecting user and is charged in return for the City making available to such user the City’s water supply system consisting of all facilities and operations necessary to provide potable water to such user. The amount of the Availability Fee shall be as follows:

**Residential User**      \$4,600.00 per EDU

**All Other Users**      \$4,600.00 per EDU

An Equivalent Dwelling Unit (EDU) represents the volume of water expected to be used by a single-family dwelling over one calendar year. One Water EDU is equal to 500 gallons per day. The estimated usage for all users other than single-family dwellings shall be calculated in accordance with 327 IAC Article 8 and equated to EDUs by dividing the estimated daily usage by 500 gallons per day; this includes new connections to or additional wastewater usage from an existing connection to the wastewater system. If there are no appropriate estimated flow factors listed in 327 IAC Article 8, the Utility, in its discretion, shall determine the estimated flows based upon good engineering judgment and reasonable information. For no reason shall any structures connecting to the water system be considered less than one (1) EDU for purposes of calculating rates and charges. When calculations of EDUs result in a fraction of an EDU, the result shall be rounded up to the next whole number (Example: an EDU calculation of 9.3 shall be rounded up to 10 EDUs).

The cost of distribution systems constructed after the date of this Ordinance by someone other than the City under a written agreement with the City may be credited against the Availability Fee, subject to all applicable statutes and ordinances. The decision to enter into such agreement and allow such credit and the amount of the credit shall be made solely at the discretion of the City.

(2) Connection Fee. The charge to a user for a new or additional connection to the City's water works system and is charged the actual cost of construction of all local and/or water service lines adequate to serve the property of the connecting user. The Connection Fee shall be dependent on the water meter size and shall include the actual cost of the meter and supplies required for said connection.

(3) Inspection Fee. The charge to a user for a new or additional connection to the City's water works system for the cost of inspecting said connection to the water works. The Inspection Fee (per trip) shall be as follows:

<b><u>Residential User</u></b>	\$65.00
<b><u>All Other Users</u></b>	\$100.00

(4) Connection/Inspection With Sewer Main Tie In Fee. The charge to a user for the cost of inspecting a new or additional connection to the water system main. The Connection/Inspection With Sewer Main Tie In Fee (per trip) shall be as follows:

**Non-Residential User**                      \$160.00

(c) Payment of the Availability Fee, the Connection Fee, and the Inspection Fee is nonrefundable, shall be made at the following times:

(1) Subject to City approval, for new construction connections or additional water usage from existing water connections unless written prepayment arrangements have been made with the City, the Availability Fee shall be paid at the time of the City signing the to be recorded plat or detail plan approval, or conditional use approval. The entire Connection Fee and the entire Inspection Fee shall be paid before the issuance of a building permit.

(2) For all existing connections with additional water usage not requiring plat or plan approval, the Availability Fee, the Connection Fee, and the Inspection Fee shall be paid in full before the additional usage is provided for by the City's water system.

(3) For all users repairing or replacing a water service line or existing water connections with no additional water usage, the Repair Inspection Fee shall be paid in full before issuance for a repair permit.

**Section 2.** Other Non-Recurring Fees and Charges.

(a) Non-Payment Fee (Disconnect Fee). A customer's service that is subject disconnect for non-payment, shall be assessed a non-payment fee of \$50.00.

(b) Late Fee. A customer who has not paid all charges on an account on or before the due date stated on the bill, shall be assessed a late payment charge of three percent (3%) on any outstanding balance.

(c) Returned Check Charge. If a check, draft, order or like instrument tendered to the City is dishonored or returned unpaid for any reason, the customer may be charged an amount not to exceed Thirty Dollars (\$30.00). The charge shall not be considered an interest charge, a finance charge, a time-price differential, or any charge of a similar nature.

(d) Meter Deposit. Any individual, partnership, association, business, or corporation renting real property or improvements and desirous of service from the City's water utility, hereinafter customer, renter, or depositor, shall make application and pay a meter deposit of a minimum of an estimated average of two (2) months water service to the subject property. The City shall have the right to request proof of the customer's interest in the property served by the water utility by presentation of a copy of deed, contract, lease, or agreement, and to request that the meter deposit be made and held in the customer's name. Meter deposits shall be held by the Utility in the customer's name(s) until returned or applied to the customer account consistent with Utility Policy. If a deposit is being held upon discontinuance of service, the City shall apply all or any part of the customer's meter deposit to payment of any outstanding water charges, including any delinquencies, with the renter's or purchaser's meter deposit being first applied to the payment of water charges followed by the owner's meter deposit. The remaining balance of meter deposit shall be refunded to the depositor. The depositor shall be responsible for providing the City with a proper forwarding address.

(e) System Tampering Charge. Any damage resulting from unauthorized use or tampering with the water utility system (including meters) will result in a charge for the cost of repair (actual labor, materials, vehicle(s) and equipment) and the estimated water usage at the applicable rate, subject to the below minimum charge.

<b><u>Residential Customers</u></b>	\$100.00
<b><u>All Other Customers</u></b>	\$500.00

(f) Bulk Water Rate. Bulk Water for the purpose of re-sale to customers as part of a pool water company or construction work such as boring, flushing, and other related activities shall be charged at the existing rate, plus a \$20.00 administrative fee per trip. Only permitted individuals or companies may draw bulk water.

(g) Temporary Hydrant Meter Rental. In addition to an administrative fee of \$20.00 per day, Temporary Hydrant Meters renter shall be charged a deposit (subject to the provisions of above) equal to the current cost the meter replacement. Any water used will be charged based upon the measurements taken from the hydrant at the existing block rate.

(h) Service Trip Fee. A per trip charge for each service call to the customer site as set out below. If the water line service is larger than three inches (3”), a third-party contractor will be utilized for some, part or all of the service and will be charged to the customer at cost.

<b><u>Residential User</u></b>	\$45.00
<b><u>All Other Users</u></b>	\$130.00

(i) After Hours Fee. A Service fee in addition to other applicable fees, will be applied for services performed outside the normal business hours and schedule of the Utility. The After Hours Fee shall be as follows, with a one hour minimum:

<b><u>All Users</u></b>	\$50.00/hour
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**Section 3.** The rates, charges and fees set forth in this Ordinance shall be reviewed every calendar year for continued applicability and financial necessity. There is a zero percent difference in the rates and charges between property located outside the corporate boundaries of the City as compared to property located within the corporate boundaries of the City.

**Section 4.** Any portion of the other Ordinances in conflict with a provision in this Ordinance is hereby superseded to the extent inconsistent herewith. The provisions, rates, and charges of the is Ordinance are severable. In the event any one or more of the provisions contained in this Ordinance should be invalid or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and/or the prior Ordinances of the City, shall not in any way be affected or impaired and shall remain in full force and effect. Furthermore, to the extent a rate, charge or provisions in this Ordinance is declared invalid, the higher of the valid charge or the original charge or fee previously established by the City shall be effective and/or retroactive as though unaltered. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

**Section 5.** This Ordinance shall be in full force and effect upon its adoption, effective date and any publication required by law.

All of which is CONSIDERED, APPROVED AND ADOPTED by the Common Council of the City of Lebanon, Indiana, this 12 day of Sept., 2022.

**Voting For**

\_\_\_\_\_  
Sierra Messenger

John Copeland  
John Copeland

Brent Wheat  
Brent Wheat

Mike Kincaid  
Mike Kincaid

Keith Campbell  
Keith Campbell

Morris Jones  
Morris Jones

Dick Robertson  
Dick Robertson

**Voting Against**

Sierra Messenger  
Sierra Messenger

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
Brent Wheat

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Dick Robertson

**Abstain**

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
Brent Wheat

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Dick Robertson

**ATTEST:**

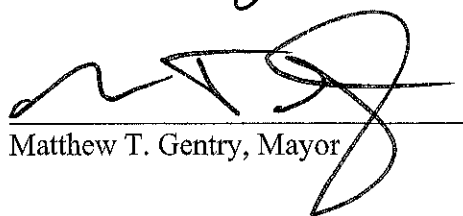
Tonya Thayer  
Clerk-Treasurer, Tonya Thayer



I hereby certify that Ordinance 2022-22 was delivered to the Mayor of Lebanon on the 12  
day of Sept, 2022, at 8:55 p.m.

  
\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-22  
this 12 day of September, 2022

  
\_\_\_\_\_  
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2022-22  
this \_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Matthew T. Gentry, Mayor