

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 20-50

**AN ORDINANCE AMENDING GREENWOOD MUNICIPAL CODE SECTIONS 9-106
AND 9-113 TO REVISE THE SCHEDULES OF RATES AND CHARGES TO BE
COLLECTED BY THE CITY OF GREENWOOD, INDIANA, FROM THE OWNERS
AND OCCUPIERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF THE
CITY**

WHEREAS, Ind. Code § 36-9-23-25 permits the Common Council, by ordinance, to establish just and equitable fees for the services rendered by a sewage utility in order to maintain the utility in the sound physical and financial condition necessary to render adequate and efficient service;

WHEREAS, Ind. Code § 36-9-23-25 provides that just and equitable fees must be sufficient to pay all expenses incidental to the operation of the utility and provide sufficient funds for the sinking fund, working capital, and improvement and replacement of the works as necessary;

WHEREAS, the Greenwood Sanitary Sewer Utility commissioned a rate study by ADS Consulting, LLC to review the current sanitary sewer user fees and determine a just and equitable fee structure;

WHEREAS, any increase to the sanitary sewer user fee must be heard at a public hearing which is noticed in accordance with Ind. Code §§ 5-3-1 *et. seq.* and 36-9-23-26, and the Common Council having held such a public hearing and having provided such due notice;

WHEREAS, on or about December 15, 2011, the City of Greenwood ("City") received a Notice of Violation and Proposed Agreed Order from the Indiana Department of Environmental Management ("IDEM") (Case No.: 2011-20446-W) citing violations of state environmental laws for overflow incidents relating to the City's sewer system and on March 23, 2012, entered into an Agreed Order with IDEM;

WHEREAS, the IDEM Agreed Order requires the City to develop and implement a comprehensive maintenance and management system for its sewer system and to address illicit and illegal sump pump connections to its sanitary sewer system or face stiff penalties;

WHEREAS, the Greenwood Sanitary Sewer Utility commissioned a capital improvement study by HWC Engineering and the Greenwood Board of Public Works and Safety ("Board") adopted Resolution 15-02 establishing a ten-year capital improvement plan, which requires ongoing funding;

WHEREAS, the Common Council has examined the Greenwood Sanitary Sewer Utility's financial statements, the rate analysis conducted by ADS Consulting, LLC, the capital improvement study previously conducted by HWC Engineering, and has had an opportunity to ask questions of ADS Consulting, LLC regarding the needed rate increase;

WHEREAS, the Council has reviewed Board of Public Works and Safety Resolution 20-11, wherein it recommended the following increases from current rates: a 25% increase to the City's sanitary sewer rates effective February 1, 2021, and a 5% increase above the previous year's rate on January 1 each year thereafter for an additional four (4) year period to January 1, 2025, at which time the rate will remain steady until an additional sewer rate study is conducted;

WHEREAS, the Council has deemed it appropriate to revise Greenwood Municipal Code Sec. 9-106 setting forth the schedule of rates and charges to be collected from the customers of the City's sewage works by increasing various monthly sewer rates and charges as described in the foregoing paragraph;

WHEREAS, the Greenwood Common Council, as the municipal legislative body, is required by Ind. Code § 36-9-23-25 to establish, by ordinance, just and equitable fees for the services rendered by the City's sewage works;

WHEREAS, said Greenwood Common Council is authorized to change or readjust such fees in the same manner by which they were established in accordance with Ind. Code § 36-9-23-26(d); and

WHEREAS, it has been further determined by the Common Council that, in accordance with Ind. Code §. 36-9-23-26(c), the fees established by this ordinance for any class of users or property shall be automatically extended to cover any additional property that is subsequently served and falls within the same class without any additional hearing, notice, or action by the Common Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. Greenwood Municipal Code (1993), as amended, Chapter 9, Article 3. Sewers and Sewage Disposal, Division IV., Rates and Charges, Sec. 9-106 Rates and Charges, is hereby amended as follows:

A. In Subsection b., by deleting the language of the paragraph in its entirety and replacing it with language to read as follows:

“b. Monthly rates and charges for waste flow and debt service shall be based upon the quantity of water used per month as measured by water meter there in use, a charge at the rate of Six Dollars and Forty-Three Cents (\$6.43) per thousand (1,000) gallons of water used as converted from units, effective the first billing issued after February 1, 2021, said charge increasing to Six Dollars and Seventy-Five Cents (\$6.75) per thousand (1,000) gallons of water used as converted from units effective the first billing issued after January 1, 2022; said charge increasing to Seven Dollars and Eight Cents (\$7.08) per thousand (1,000) gallons of water used as converted from units effective the first billing issued after January 1, 2023; said charge increasing to Seven Dollars and Forty-Four Cents (\$7.44) per thousand (1,000) gallons of water used as converted from units effective the first billing used after January 1, 2024; and said charge increasing to Seven Dollars and Eighty-One Cents (\$7.81) per thousand (1,000) gallons of water used as converted from units effective the first billing issued after January 1, 2025.”

B. In Subsection c., by deleting the language of the subsection in its entirety and replacing it with language to read as follows:

“c. Monthly rates and charges for user charge and debt service shall be based upon the size of the water meter installed at the premises, and shall become effective with the first billing issued after February 1, 2021, as follows:

<i>Size of Water Meter</i>	<i>Per Month</i>
For each five-eighths (5/8) or three-fourths (3/4) inch water meter	\$28.09
For each one (1) inch water meter	\$66.59
For each one and one-half (I 1/2) inch water meter	\$148.73
For each two (2) inch water meter	\$259.11
For each three (3) inch water meter	\$592.70
For each four (4) inch water meter	\$1,029.04
For each six (6) inch water meter	\$2,337.96
For each eight (8) inch water meter	\$4,211.53”

C. In Subsection d., by deleting the language of the subsection in its entirety and replacing it with language to read as follows:

“d. Monthly rates and charges for user charge and debt service shall be based upon the size of the water meter installed at the premises, and shall become effective with the first billing issued after January 1, 2022, as follows:

<i>Size of Water Meter</i>	<i>Per Month</i>
For each five-eighths (5/8) or three-fourths (3/4) inch water meter	\$29.49
For each one (1) inch water meter	\$69.92
For each one and one-half (I 1/2) inch water meter	\$156.16
For each two (2) inch water meter	\$272.07
For each three (3) inch water meter	\$622.34
For each four (4) inch water meter	\$1,080.49
For each six (6) inch water meter	\$2,454.86
For each eight (8) inch water meter	\$4,422.10”

D. In Subsection e., by deleting the language of the subsection in its entirety and replacing it with language to read as follows:

“e. Monthly rates and charges for user charge and debt service shall be based upon the size of the water meter installed at the premises, and shall become effective with the first billing issued after January 1, 2023, as follows:

<i>Size of Water Meter</i>	<i>Per Month</i>
For each five-eighths (5/8) or three-fourths (3/4) inch water meter	\$30.97
For each one (1) inch water meter	\$73.41
For each one and one-half (I 1/2) inch water meter	\$163.97
For each two (2) inch water meter	\$285.67
For each three (3) inch water meter	\$653.45
For each four (4) inch water meter	\$1,134.51
For each six (6) inch water meter	\$2,577.60
For each eight (8) inch water meter	\$4,643.21”

E. In Subsection f., by deleting the language of the subsection in its entirety and replacing it with language to read as follows:

“f. Monthly rates and charges for user charge and debt service shall be based upon the size of the water meter installed at the premises, and shall become effective with the first billing issued after January 1, 2024, as follows:

<i>Size of Water Meter</i>	<i>Per Month</i>
For each five-eighths (5/8) or three-fourths (3/4) inch water meter	\$32.51
For each one (1) inch water meter	\$77.08
For each one and one-half (I 1/2) inch water meter	\$172.17

For each two (2) inch water meter	\$299.96
For each three (3) inch water meter	\$686.12
For each four (4) inch water meter	\$1,191.24
For each six (6) inch water meter	\$2,706.48
For each eight (8) inch water meter	\$4,875.37”

F. By re-lettering current subsection (g) to subsection (h) and replacing the current subsection (g) with new language to read as follows:

“g. Monthly rates and charges for user charge and debt service shall be based upon the size of the water meter installed at the premises, and shall become effective with the first billing issued after January 1, 2025, as follows:

<i>Size of Water Meter</i>	<i>Per Month</i>
For each five-eighths (5/8) or three-fourths (3/4) inch water meter	\$34.14
For each one (1) inch water meter	\$80.94
For each one and one-half (I 1/2) inch water meter	\$180.78
For each two (2) inch water meter	\$314.95
For each three (3) inch water meter	\$720.43
For each four (4) inch water meter	\$1,250.80
For each six (6) inch water meter	\$2,841.81
For each eight (8) inch water meter	\$5,119.13”

Section 2. The language of Greenwood Municipal Code (1993), as amended, Chapter 9, Article 3. Sewers and Sewage Disposal, Division IV., Rates and Charges, Sec. 9-113 Flat Rate Residential Users With Non-Metered Supplies of Water, is hereby deleted in its entirety and amended to read as follows:

“Sec. 9-113 Flat Rate Residential Users With Non-Metered Supplies of Water.

Non-Industrial Users who do not have an acceptable metered supply of water shall pay a flat rate of Eighty-Five Dollars and Ninety-One Cents (\$85.91) per month effective the first billing issued after February 1, 2021; said flat rate shall increase to Ninety Dollars and Twenty-One Cents (\$90.21) effective the first billing issued after January 1, 2022; said flat rate shall increase to Ninety-Four Dollars and Seventy-Two Cents (\$94.72) effective the first billing issued after January 1, 2023; said flat rate shall increase to Ninety-Nine Dollars and Forty-Five Cents (\$99.45) effective the first billing issued after January 1, 2024; and said flat rate shall increase to One Hundred Four Dollars and Forty-Three Cents (\$104.43) effective the first billing issued after January 1, 2025.”

Section 3. The document referenced as Greenwood Sewage Works City of Greenwood, Indiana, December 2020 Utility Rate Analysis presented to the Common Council December 21, 2020 by, and prepared by, ADS Consulting, LLC, is added hereto and incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk of the City of Greenwood.

Section 4. In accordance with Ind. Code § 36-9-23-26(c), the fees established by this ordinance for any class of users or property shall be automatically extended to cover any additional property that is subsequently served and falls within the same class without any additional hearing, notice, or action by the Common Council.

Section 5. The amendments provided for in this Ordinance shall not affect any rates or charges or offense or act committed or done or any penalty or forfeiture incurred or imposed before the effective date; nor shall such amendments be construed to revive any ordinance or part thereof that has been amended by a subsequent ordinance which is amended by this Ordinance, save only that the proceedings thereafter shall conform to the ordinance or Municipal Code provision in force at the time. Nothing contained in this or preceding sections shall be construed as abating any action now pending under or as discontinuing, abating, modifying or altering any rates or charges or penalties accrued or to accrue or as waiving any right of the Greenwood Sewage Works under any ordinance or Municipal Code provision thereof in force at the time of passage of this Ordinance.

Section 6. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 7. This Ordinance shall have no effect as to changing any other provision of the Greenwood Municipal Code (1993), as amended, except to the extent necessary to give this Ordinance full force and effect. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed and all prior sewer rate ordinances are hereby amended to include the above provisions.

Section 8. The amendments to Greenwood Municipal Code (1993), as amended, Sec. 9-106 and Sec. 9-113 for the rates and charges herein are effective February 1, 2021; January 1, 2022; January 1, 2023; January 1, 2024; and January 1, 2025; as set forth herein and this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

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Adopted by the Common Council of the City of Greenwood, Indiana, this 18th day
January, 2021.

Michael Campbell
President
Greenwood Common Council

FOR:

Linda S. Gibson Linda S. Gibson

Ezra J. Hill Ezra J. Hill

Michael Williams Michael Williams

Ronald Bates Ronald Bates

J. David Hopper J. David Hopper

David Lekse David Lekse

Michael Campbell Michael Campbell

Robert Dine Robert Dine

Bradley Pendleton Bradley Pendleton

ATTEST:

Jeannine Myers
Jeannine Myers, Clerk

AGAINST:

Ronald Bates

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 18th day of January, 2021, is presented by me this 18th day of January, 2021, at 9:40 O'Clock P.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers
Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 18th day of January, 2021, is signed and approved by me this 18th day of January, 2021, at 11:30 O'Clock A.M.

Mark W. Myers
MARK W. MYERS, Mayor of
the City of Greenwood, Indiana