

**ORDINANCE NO. 2020-1**

**AN ORDINANCE AMENDING CHAPTER 50  
OF THE TOWN OF EDINBURGH'S CODE  
REGARDING MUNICIPAL SEWAGE WORKS**

WHEREAS, Indiana Code 36-9-23, gives the legislative body of the Town of Edinburgh ("Town") the power to charge for municipal sewage works within the Town;

WHEREAS, § 50 of the Edinburgh Town Code ("Code") provides for certain charges for the Town and other matters relating to said works;

WHEREAS, the Council enlisted the firm of Baker Tilly to review the rates of the Town's sewage works and to advise on any increases for the same;

WHEREAS, per the recommendations of Baker Tilly, the Council desires to modify the Code to provide an amended rate schedule pertaining to the sewage works department in order to maintain the viability and level of service to the residence of the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:**

**I. SECTION 1. AMENDMENTS TO CODE**

**a.** The following Sections of Chapter 50 of the Code shall be amended as follows:

**i.** Section 50.33 – Treatment of Certain Discharges Required

**1.** Subsection (D) shall be deleted in its entirety and replaced with the following:

*"At the discretion of the Superintendent, where discharge of sewage has the strength or concentrations greater than allowed in division (C) of this section, the discharge may be allowed but shall be subject to the surcharge as described in §50.58. At no time shall any water or waster be discharged to the public sewer having a five-day biochemical oxygen demand greater than 1,000 parts per million (milligrams per liter) by weight; or containing greater than 1,000 parts per million (milligrams per liter) by weight of suspended solids; or containing more than 100 parts per million (milligrams per*

*liter) by weight of ammonia-as-nitrogen, or containing more than 20 parts per million (milligrams per liter) by weight of total phosphorus. An exceedance of these limits constitutes a violation of this chapter and a fee shall be assessed in an amount not less than \$1,000 per day, per violation, but no more than \$2,500 per day, per violation for a first violation nor more than \$7,500 per day, per violation for subsequent violations, in accordance with IC 36-1-3-8(a)(10)(B). The abovementioned fee is in addition to any surcharge fee described in §50.58(B).”*

ii. Section 50.53 – Flat Fee Charge

1. Section (A) shall be amended as follows:

- a. The column labeled “Sewer Tap Fees” shall be amended to provide the following fees for the corresponding water meters:

| <i>WATER METER SIZE (INCHES)</i> | <i>SEWER CONNECTION FEES</i> |
|----------------------------------|------------------------------|
| <i>5/8</i>                       | <i>\$2,000.00</i>            |
| <i>3/4</i>                       | <i>\$2,000.00</i>            |
| <i>1 – 1 1/2</i>                 | <i>\$5,000.00</i>            |
| <i>2</i>                         | <i>\$10,000.00</i>           |
| <i>3-4</i>                       | <i>\$22,500.00</i>           |
| <i>6 or larger</i>               | <i>\$25,000.00</i>           |

iii. Section 50.60 – Connection Charges; Meter Tap Fee for Sewer Hook-UP

1. Subparagraph (A) shall be deleted in its entirety and replaced with the following:

*“The owner of any lot, parcel of real estate, or building connecting to the sewage works more than 90 days following completion of construction of the sewage works shall, prior to being permitted to make a connection, pay a connection charge as provided in this Chapter 50 and more specifically Chapter 50.53.”*

2. Subparagraph (B) shall be deleted in its entirety and replaced with the following:

*“The Town Council, or designee of Town Council, shall have the discretion to waive the connection charge described in division (A) of this section, upon the receipt of an application made in writing by the owner of any lot, parcel of real estate, or building connecting to the sewage works. The written application submitted by the owner must describe the subject property, the scope of the construction of the sewage works, and the reasons for requesting the connection charge.”*

i. Section 50.65 – Responsibilities Related to Sewer Taps

3. Subparagraph (A) shall be deleted in its entirety and Subparagraph (B) shall remain as stated and be renamed as Subparagraph (A).

- b. All other provisions of Sections of Chapter 50 of the Code shall remain in effect and unmodified.

## II. SECTION 2. PUBLIC BENEFIT

- a. That the Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

## III. SECTION 3. REPEALER

- a. All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

## IV. SECTION 4. SEVERABILITY

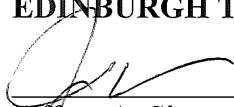
- a. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

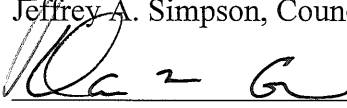
## V. SECTION 5. EFFECTIVE DATE


- a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.


ADOPTED this 27<sup>th</sup> day of January, 2020.

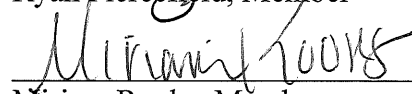
### EDINBURGH TOWN COUNCIL

  
Jeffrey A. Simpson, Council President

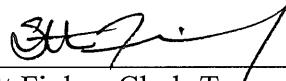
  
Dawn Graham, Vice President

  
Debbie Buck, Member

  
Ryan Piercefield, Member

  
Miriam Rooks, Member

ATTEST:

  
Scott Finley, Clerk-Treasurer