

ORDINANCE NO. 2016-10

**AN ORDINANCE AMENDING CHAPTER 51 OF
THE TOWN OF EDINBURGH'S CODE REGARDING
MUNICIPAL WATER RATES**

WHEREAS, Town of Edinburgh ("Town") has heretofore constructed and has in operation waterworks pursuant to IC 8-1.5-1 et. seq. for the purpose of treating and distributing water to the residents of the Town; and

WHEREAS, the Edinburgh Town Council ("Council") has previously by ordinance established the existing schedule of user rates and charges for water service which are contained in § 51 of the Edinburgh Town Code ("Code");

WHEREAS, the Town has employed H.J. Umbaugh and Associates (the "Financial Advisor") to prepare a rate report reviewing the sufficiency of such existing rates and charges; and

WHEREAS, the Financial Advisor has prepared and submitted a rate report dated September 22, 2016 (the "Rate Report") which concludes that existing rates and charges are insufficient to pay all the legal and other necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, and interest charges on bonds or other obligations; and

WHEREAS, pursuant to Ind. Code § 8-1.5-3-8.1, the Council may change or adjust its existing schedule of fees by ordinance after providing notice and conducting a public hearing; and

WHEREAS, the Council desires to implement the necessary rate increase immediately due to the fact a rate increase has not been implemented for a number of years and to maintain the viability and level of service to the residents of the Town; and

WHEREAS, Ind. Code § 8-1.5-3-8 authorizes the Council to adopt by ordinance a nondiscriminatory, reasonable and just schedule of fees for water services rendered by the Town's water works system; and

WHEREAS, Ind. Code § 8-1.5-3-8, authorizes this Council to exercise reasonable discretion in adopting different schedules of fees, or making classifications in schedules of fees, to ensure that the rates and charges produce an income sufficient to maintain the

utility property in a sound physical and financial condition to render adequate and efficient service, and whereas rates and charges too low to meet these requirements are deemed unlawful; and

WHEREAS, the Clerk-Treasurer of the Town has given notice of the public hearing on proposed rates pursuant to Ind. Code § 8-1.5-3-8.1; and

WHEREAS, a public hearing was held before this Council on the 14th day of November, 2016 at which time testimony from interested persons was received, after introduction of this ordinance and pursuant to the Ind. Code § 8-1.5-3-8.1.

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

I. SECTION 1. AMENDMENTS TO CODE

- a. The Council hereby finds and determines that, based upon the Rate Report, the existing rates and charges are insufficient to pay all the legal and other necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, and interest charges on bonds or other obligations.
- b. The Council finds and determines that the proposed rates and charges as set forth in the Rate Report, and included herein, are nondiscriminatory, reasonable and just and therefore should be adopted.
- a. That the Council hereby amends the Chapter 51; of the Code, to be consistent with the recommendations contained in the Rate Report as follows:

i. Section 51.02

- 1. Subsection (A) The current consumption per month meter rate shall be modified to the following:

<i>First</i>	<i>3,000 gallons</i>	<i>\$5.52</i>
<i>Next</i>	<i>7,000 gallons</i>	<i>4.42</i>
<i>Next</i>	<i>20,000 gallons</i>	<i>3.84</i>
<i>Next</i>	<i>70,000 gallons</i>	<i>3.30</i>
<i>Next</i>	<i>100,000 gallons</i>	<i>2.75</i>
<i>Over</i>	<i>200,000 gallons</i>	<i>2.45</i>

- 2. Subsection (B) – the minimum charge per month shall be modified to the following:

5/8 inch meter	3,000	\$16.56
3/4 inch meter	3,868	20.40
1 inch meter	5,925	29.49
1 1/4 inch meter	8,792	42.16
1 1/2 inch meter	12,337	56.47
2 inch meter	21,804	92.83
3 inch meter	53,620	202.25
4 inch meter	75,177	273.38
6 inch meter	150,288	493.59

3. Subsection (C)

a. The following shall be added:

i. Private Hydrants - \$1,437.19 each;

ii. Private Fire Protection (Automatic Sprinkler Systems):

1 inch connection	\$55.26
2 inch connection	165.82
3 inch connection	359.29
4 inch connection	635.67
6 inch connection	1,437.19
8 inch connection	2,542.72
10 inch connection	3,979.93

b. The following shall be modified in subsection (2):

5/8 inch meter	\$10.64
3/4 inch meter	10.64
1 inch meter	26.61
1 1/2 inch meter	53.21
2 inch meter	85.14
3 inch meter	159.64
4 inch meter	266.06

4. Subsection (D) – the following shall be added:

a. Reconnection Charge - \$10.00

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 14th day of November, 2016.

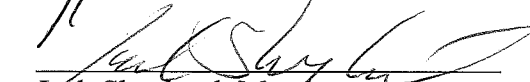
EDINBURGH TOWN COUNCIL




Kami Ervin, Council President




Jeffrey A. Simpson, Vice President



Jack Shepherd, Member



Dawn Graham, Member



Jerry Lollar, Member

ATTEST:



Scott Finley, Clerk-Treasurer