

ORDINANCE NO. 09-42

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA AMENDING CHAPTER 82, ARTICLE II, DIVISION 4, ENTITLED: "SEWER SERVICE"

WHEREAS, the City of Portage, Indiana ("City") currently owns and operates a municipal sewage works pursuant to IC 36-9-23; and

WHEREAS, IC 36-9-23 provides that a municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works; and

WHEREAS, the existing sewage rates and charges are set forth in Ordinance No. 96-60; and

WHEREAS, the City Council passed and adopted on April 7, 2009, Ordinance No. 09-18 amending the rates and charges set forth in said Ordinance; and

WHEREAS, the City Council finds that the Ordinances should be amended in part and restated in part and that the rates and charges set forth herein should be enacted;

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

Section 1. Ordinance Amendment. Chapter 82, Article II, Division 4, Section 82-82, of the City of Portage Code is hereby amended and restated as follows:

A. Sanitary Sewer User Fees:

- 1. Non-Residential Customers Non-Residential customers utilizing more than 100,000 gallons per month shall pay the greater of the actual metered usage charges or the flat rate (minimum charge) noted below:

First 100,000 Gallons	\$5.22 (subject to minimum charge)	Flow Rate Charge Per 1,000 Gallons
Over 100,000 Gallons	\$5.22	

Non-Residential customers utilizing less than 100,000 gallons per month will pay the flat rate minimum monthly charge based upon meter size as noted below:

Meter Size	Area Ratio	Flat Rate/Minimum Charge
Less than 1 Inch	1.0	\$23.50
1 Inch	2.5	\$58.75
1.5 Inch	5.8	\$136.30
2 Inch	10.0	\$235.00
3 Inch	23.0	\$540.50
4 Inch	40.0	\$940.00
6 Inch	91.0	\$2,138.50

- 2. Residential Customers The schedule of rates and charges for residential customers shall be as follows:

- (a) Single family home \$23.50 per month
 - (b) Duplex (two times a single family home) \$47.00 per month
 - (c) Triplex (three times a single family home) \$70.50 per month
 - (d) Quadplex (four times a single family home) \$94.00 per month
 - (e) Apartments (each unit) \$20.00 per month
 - (f) Mobile home in organized park \$16.45 per month
3. Institutional Customers The schedule of rates and charges for Institutional customers shall be as follows:
- (a) Schools \$11.75 per individual per year

B. Excessive Strength Sanitary Surcharge Rates:

1. Industrial Customers or Customers requiring a state or local pretreatment permit whose surcharge parameter test exceeds the surcharge limits stated below, will be charged an excessive strength surcharge fee. This surcharge fee will be charged for each pound of a pollutant over the surcharge limit. The fee will be charged for each parameter on each day the surcharge limit has been exceeded. The fee will be charged for each day of discharge until the ensuing test results are below the surcharge limit. For example, if the parameter is not tested for three days after the first event, the user will be charged for each day until it is tested again, provided that the next testing is below the surcharge limit.

Excessive Strength Surcharge Parameters	Charge Per Pound
BOD: in excess of 300 mg/l	\$0.23
SS: in excess of 300 mg/l	\$0.19
NH3: in excess of 30 mg/l	\$0.40
P in excess of 8 mg/l	\$1.82

Section 2. Ordinance Amendment. Chapter 82, Article II, Division 4, Section 82-83, of the City of Portage Code is hereby amended and restated as follows:

A. CAPACITY, CONNECTION AND INSPECTION FEES

1. Capacity Fee All new connections to the municipal sewage works will be subject to a Wastewater Treatment Capacity Fee prior to connection. This one-time charge does not apply to existing homes already connected to the wastewater collection and treatment system. However, if metered services are increased, the difference in the meter size could be subject to the incremental capacity fee. This fee shall be based upon the customer's meter size as follows:

Less than 1 Inch	\$850.00*
1 Inch	\$4,250.00
1.5 Inch	\$9,860.00

- 2 Inch \$17,000.00
- 3 Inch or Larger \$39,100.00

2. Connection Fee In addition to the Capacity Fees noted above, all new connections shall be subject to a one-time Connection Fee. The Connection Fee shall be based upon \$500.00 per connection that will be connected to the City's wastewater collection system.

3. Inspection Fee Inspection fees for new residential connections shall be \$50.00 per connection, per inspection. Commercial inspection fees shall be \$150.00 per connection. The City shall reserve the right to assess additional inspection fees if, based upon the previous inspection, the connection was not acceptable.

* The \$850.00 fee for a meter size of less than 1 inch shall begin June 1, 2009 and continue through June 1, 2010. Beginning June 1, 2010, the fee shall increase to \$1,700.00 per meter size of less than 1 inch. Further, this fee shall not apply to those subdivisions that are already platted and have already received their portion of the capacity. However, this exception is conditioned upon those particular subdivisions having paid their tap fees and other fees currently in place by December 31, 2009.

Section 3. Ordinance Amendment. Chapter 82, Article II, Division 4, Section 82-88, of the City of Portage Code is hereby amended and restated as follows:

A. STORMWATER MANAGEMENT MONTHLY USER FEES

1. Residential Customers The schedule of rates and charges for residential customers shall be as follows:

- (a) Single family home \$10.00 per month
- (b) Duplex (two times a single family home) \$20.00 per month
- (c) Triplex (three times a single family home) \$30.00 per month
- (d) Quadplex (four times a single family home) \$40.00 per month
- (e) Apartments (each unit) \$8.60 per month
- (f) Mobile home in organized park \$ 7.00 per month

Beginning January 1, 2011, there shall be an automatic \$0.25 per year increase on the monthly fee. As an example, the monthly fee in 2011 shall be \$10.25 per month. The fee in 2012 shall be \$10.50 per month. The automatic increase of \$.25 per year is applicable to Section 1, Subsection (a) through (f) as listed above.

2. Non-Residential Customers **Non-residential** property owners shall be charged a flat monthly rate of **\$20.00 times the meter area ratio**. The monthly stormwater charge shall be applied to all properties within the City of Portage. For billing purposes, the non-residential user fees shall be based upon the area ratio of the water meter size or such other determination of equivalency to less than 1 Inch water meter, as follows:

Non-Residential Stormwater Rates-Per Month

Meter Monthly Charge by Meter Size

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Size	Meter Area Ratio	
Less than 1 Inch	1.0	\$20.00
1 Inch	2.5	\$50.00
1 1/2 Inch	5.8	\$116.00
2 Inch	10.0	\$200.00
3 Inch	23.0	\$460.00
4 Inch	40.0	\$800.00
6 Inch	91.0	\$1,820.00

3. Institutional Customers Institutional properties shall be charged a flat monthly rate of \$20.00 times the meter area ratio per the above table. The maximum amount of monthly payment for Institutional properties shall be \$500.00 per site. City of Portage and Portage Water Reclamation Department properties shall be exempt from the fee.

Beginning January 1, 2011, there shall be an automatic \$0.25 per year increase on the monthly fee. The automatic increases of \$.25 per year is applicable to Non-Residential Customers as listed in Section 2 above and Institutional Customers, listed in Section 3 above. However, it will not increase the maximum amount of \$500.00 per site in Section 3.

Section 4. Conflicting Ordinances. Any Ordinance or provision of any Ordinance of the City of Portage or of the Municipal Code of the City of Portage in conflict with the provisions of this Ordinance is hereby repealed.

Section 5. Severability. The validity 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 6. Effective Date. This Ordinance shall be in full force and effect after its passage and approval by the Mayor of the City of Portage and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Portage, Porter County, Indiana, on the 7TH day of JULY, 2009.

Olga G Velazquez
Presiding Officer

ATTEST:

Donna M. Pappas
DONNA M. PAPPAS, CLERK-TREASURER

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this 8TH day of JULY, 2009.

Donna M. Pappas
DONNA M. PAPPAS, CLERK-TREASURER

Approved by me, the Mayor of the City of Portage, Porter County, Indiana, this 8TH day of JULY, 2009.

Olga G Velazquez
OLGA G VELAZQUEZ, MAYOR