

ORDINANCE NO. 3454

An ordinance to amend all prior rate Ordinances entitled "An ordinance establishing a schedule of rates and charges to be collected by the City of New Castle, Indiana, from the owners of property served by the sewage works of said City."

WHEREAS, the City has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the City in a sanitary manner and has heretofore authorized construction of improvements hereto financed in part by a grant from the U.S. Environmental Protection Agency; and

WHEREAS, the City has adopted Ordinances establishing a schedule of rates and charges for the services rendered by its sewage works; and

WHEREAS, it is necessary to establish a new schedule of rates and charges to produce sufficient revenue to pay expenses of maintenance and operation, to pay the principal and interest on outstanding revenue bonds, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the U.S. Environmental Protection Agency,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of New Castle, Indiana:

Section 1.

That all prior rate Ordinances be amended to read as follows: Section 3. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the City sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the City of New Castle. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. Water meters will be read once each month, and sewage service bills shall be rendered once each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows for each user class:

(1) Treatment rate - as follows:

<u>User Class</u>	<u>Per 100 Cu. Ft.</u> <u>User Charge</u>
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Class I - Residential	\$ 2.65
Class II - Commercial, Governmental, Institutional	2.45
Class II - Industrial	2.40

(2) Base rate - as follows for Classes I, II, and III:

<u>Based on Meter Size</u>	<u>Monthly Base Rates User Charge</u>
5/8 inch meter	\$ 16.43
3/4 inch meter	16.43
1 inch meter	40.86
1 1/4 inch meter	65.11
1 1/2 inch meter	94.43
2 inch meter	162.49
3 inch meter	373.32
4 inch meter	665.57
6 inch meter	1,493.14
8 inch meter	2,691.89

(3) Unmetered Charge
per Month \$65.52

(4) Excessive strength surcharges - as follows:

Excess Strength Surcharge Rate Per Pound of Excess Biochemical Oxygen Demand In Excess of 200 mg/l	\$ 0.41
Suspended Solids (SS) In Excess of 250 mg/l	\$ 0.31
Phosphorus In Excess of 10 mg/l	\$ 3.21
Oil and Grease (3) In Excess of 100 mg/l	\$ 0.39

(5) After hours charge -

In the event a customer requires service during hours other than the normal business hours (Monday thru Friday 8 a.m. - 4 p.m.) a charge shall be made to the customer of not less than \$40 nor greater than \$200 for each such call. Said amount is to be determined by the cost of labor to the utility for the call.

(6) Bad check charge -

All checks returned to the utility due to insufficient funds in the customer's account shall result in a charge to that customer of \$30.

(7) Collection or deferred payment charges -

All bills for sewage services not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of 12% of the amount of the bill.

Further, the delinquent customer shall be liable for the costs of collection, including but not limited to, reason able attorney's fees and court costs.

(B) Services rendered to City of New Castle. For the service rendered to the City of New Castle, Indiana, said City shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(C) Periodic Legislative Rate Review. In hopes of minimizing the possibility of infrequent but higher rate increases and the resulting "rate shock" to the ratepayer, the Board (Board of Public Works) shall provide the Legislative Branch (the City Council) with a rate study showing the financial condition of the utility and a recommendation regarding the rates charged no less than every four years. The next such study shall be provided on or before January 30, 2009. Thereafter, reports shall be reviewed by Council on the 30th day of January, every four years.

Next report due	1-30-2009
Report due	1-30-2013
Report due	1-30-2017
Report due	1-30-2021

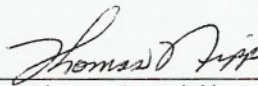
(Report due every four years thereafter)

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed. Those provisions of Title V Chapter 50 of the City of New Castle Code of Ordinances not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided for by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE
THIS 19th DAY OF December, 2005.



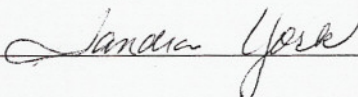
Thomas Nipp, Presiding
Officer, Common Council, City
of New Castle, Indiana

AYE

NAY

Donald E. Hunter

James B. Kedd



Todd S. Hiday

Louise Pira

Richard Hahn

Jeff Hancock

ATTEST:

Janice Lavarnway
Janice Lavarnway,
Clerk-Treasurer

APPROVED BY ME THIS 19th DAY OF December, 2005.

Thomas Nipp
Thomas Nipp, Mayor of the City
Of New Castle, Indiana