

ORDINANCE 4290

**AN ORDINANCE TO AMEND ORDINANCE 4232
ESTABLISHING A SCHEDULE OF RATES AND CHARGES FOR SERVICES
OF THE GOSHEN WATER UTILITY AND
ESTABLISHING OTHER REGULATIONS GOVERNING SUCH SERVICES**

WHEREAS, Ordinance 4232, "An Ordinance to Establish a Schedule of Rates and Charges for Services of the Goshen Water Utility and to Establish Other Regulations Governing Such Services," was passed and adopted on August 3, 2004.

WHEREAS, the rates and charges for services of the Goshen Water Utility must produce an income sufficient to maintain the Water Utility in a sound physical and financial condition to render adequate and efficient services to its customers.

WHEREAS, the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes is provided by the Goshen Water Utility.

WHEREAS, public fire protection is a service provided to all residents of the City of Goshen, including residents whose real estate is not connected to the Goshen Water Utility's system.

WHEREAS, the rates and charges for services of the Goshen Water Utility must be nondiscriminatory, reasonable, and just.

WHEREAS, the Board of Public Works and Safety and the Common Council of the City of Goshen find it necessary to amend certain rates and charges for public fire protection.

WHEREAS, the Board of Public Works and Safety and the Common Council of the City of Goshen find it necessary to amend other regulations governing the services of the Goshen Water Utility.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that Ordinance 4232 establishing a schedule of rates and charges for services of the Goshen Water Utility and establishing other regulations governing such services is amended to read as follows:

Section 1. RIGHT TO CONNECT AND CONNECTION CHARGES

- A. A person shall have the right to connect a building located within the Goshen corporate limits to the Water Utility's water system upon payment of a connection charge in accordance with the schedule of rates set forth in Section 1, paragraph I.
- B. A building located outside the Goshen corporate limits may not connect to the Water Utility's water system unless the owner of the affected real estate executes an Agreement with the City of Goshen and the Agreement has been approved by the Common Council.
- C. A customer or developer shall pay a connection charge for each connection made to the Water Utility's water system. The connection fee is required for each connection, regardless if the

connection is made to a public water main or to a privately-owned water line. A connection charge may be waived in whole or in part only upon the approval of the Common Council.

- D. Each new metered water service, except a residential metered sprinkling water service, must be connected directly to a public water main.
- E. Each building used for residential, commercial or industrial purposes connected to the Water Utility's water system must be connected directly to a public water main unless otherwise approved in writing by the Board of Public Works and Safety pursuant to paragraph F.
- F. The Board of Public Works and Safety may approve, in writing, water service to a second building on a single zoning lot to be connected through the primary building's water service if the Board of Public Works and Safety finds that the two buildings have the same ownership and that one of the buildings is subordinate and serves the principal building on the zoning lot. The Board of Public Works and Safety must condition the approval upon a requirement for the second building to connect its water service directly to the public water main if the zoning lot is divided so that the two buildings are not on the same zoning lot and the ownership of the two buildings does not remain the same. The water service for the two buildings may not be separately metered.

G. **Connections to a Public Water Main.**

- 1. Effective January 1, 2005, the Goshen Water Department shall make all connections to a public water main in which the connection is twelve inches (12") or smaller in size unless the Board of Public Works and Safety gives a customer or developer the express prior written authorization to make the connection. All connections to a public water main in which the connection is greater than twelve inches (12") in size shall be made by a private contractor at the expense of the customer or developer. All such connections shall be inspected and approved by the Water Department.
- 2. A public water main must be located in right-of-way dedicated to the city by the owner of the real estate for such purposes. Any water line on private real estate shall be deemed a privately-owned water line unless clear intent to the contrary is shown by prior written dedication of the water line to the City of Goshen accepted by the Board of Public Works and Safety.

H. **Connections to a Privately-Owned Water Line.**

- 1. Upon recommendation of the Goshen Engineering Department and with the express prior written approval of the Board of Public Works and Safety, a privately-owned water line may be installed to service multiple buildings located on a single zoning lot as set forth in Section 1, paragraph F.
- 2. All connections to a privately-owned water line shall be made by a private contractor at the expense of the customer or developer.

I. **Schedule of Connection Charges.**

1. **Connections Made by the Goshen Water Department.**

The schedule below is applicable to all connections to a public water main in which the connection is made by the Goshen Water Department. The connection charge includes the right to connect to the water system, the city's cost to furnish and install the water service pipe from the public water main to the lot line, and the installation of a curb stop or valve. The

connection charge does not include the cost to furnish and install the building line from the building to the curb stop or valve, the cost of the meter or meter horn, or the inspection charge.

<u>Connection Size</u>	<u>Connection Charge</u>
¾" to 1"	\$1,348
1½"	\$1,670
2"	\$1,760
4"	\$2,646
6"	\$2,837
8"	\$3,277
10"	\$4,114
12"	\$4,893

In the event that a connection was previously made to the public main and a curb stop or valve was installed as part of another project, however, a building which would be serviced by the connection was not connected to the Water Utility's water system at that time, then the connection charge will be Seven Hundred Fifty Dollars (\$750) for the right to connect to the water system. The connection charge does not include the cost to furnish and install the building line from the building to the curb stop or valve, the cost of the meter or meter horn, or the inspection charge.

2. Connections Made by a Private Contractor.

In the event that the Goshen Water Department is unable to make the connection to a public water main requiring the customer or developer to hire a private contractor to make the connection, or in the event the connection is to a privately-owned water line, the connection charge will be Seven Hundred Fifty Dollars (\$750) for the right to connect to the water system. The connection charge does not include the cost to furnish and install the water service pipe from the public water main or privately-owned water line to the building, the curb stop or valve, the cost of the meter or meter horn, or the inspection charge.

J. Inspection.

1. Each customer or developer, prior to making a connection to the Water Utility's water system shall pay an inspection fee of Eighty-five Dollars (\$85). If a reinspection is required due to the improper installation of the water main or water line, the customer or developer shall pay a reinspection fee of Eighty-five Dollars (\$85).
2. In the event that more than one (1) water main or water line are inspected on a single parcel of real estate at the same time, the Water Utility may elect to charge a single inspection fee.
3. If at the time of the inspection, the water main or water line to be inspected is not sufficiently exposed to allow inspection, the customer or developer will uncover the water main or water line to allow for an adequate inspection. A reinspection fee of One Hundred Fifty Dollars (\$150) will be assessed to the customer or developer.

4. The inspection shall be scheduled with the Water Utility at least two (2) working days in advance.

K. **Other Requirements.**

1. **Water Meter.**

Each unit in a building will be separately metered unless the Board of Public Works and Safety gives the owner of the building express prior written approval to permit multiple units in the building to be serviced by a single meter. Such approval may not be given unless the owner of the real estate registers the water and sewer services in the owner's name and the owner pays all charges for the water and sewer services for that real estate.

2. **Curb Stop or Valve.**

- a. Each building connected to the Water Utility's water system after September 1, 2004 and every new connection must have installed an outside curb stop or valve.
- b. Each unit in a multi-unit building that is separately metered must have an outside curb stop or valve for each water meter installed so that utility services to a unit can be independently shut off without disrupting utility services to other units in the building.

3. **Building Water Line.**

Each customer shall maintain the building water line from the curb stop or valve to any building on the customer's real estate in good working order at the customer's expense. In the event that there is no curb stop or valve, the customer shall maintain the building water line from the edge of the city's right-of-way to any building on the customer's real estate at the customer's expense.

L. **Unauthorized Connection.**

A person connecting a location to the Water Utility's water system without the knowledge and consent of the Water Utility shall be charged a fee of Five Hundred Dollars (\$500) unless the Water Utility can establish that a greater fee should be charged by applying the schedule of rates and charges.

Section 2. WATER USAGE SCHEDULE

The following rates and charges are established for the use of and services rendered by the Goshen Water Utility:

A. **Monthly Usage Charge and Monthly Service Charge.**

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1. **Effective July 1, 2005.**

Effective July 1, 2005, each customer shall pay a monthly usage charge and monthly service charge in accordance with the schedules set forth below.

a. **Monthly Usage Charge.**

Each customer shall pay a monthly usage charge in accordance with the following schedule based on the metered cubic feet of water supplied:

<u>Monthly Usage</u>	<u>Rate per 100 Cubic Feet</u>
First 3,000 Cubic Feet	\$1.45
Next 97,000 Cubic Feet	\$1.25
Over 100,000 Cubic Feet	\$0.70

b. **Monthly Service Charge.**

Each customer shall pay a monthly service charge in accordance with the following schedule based on the applicable size of water meter installed. This service charge is in addition to the monthly usage charge.

<u>Meter Size</u>	<u>Billing Charge</u>	<u>Meter Charge</u>	<u>Public Fire Protection Charge</u>	<u>Total Charge</u>
5/8" Meter	\$3.10	\$1.53	\$2.89	\$7.52
3/4" Meter	\$3.10	\$1.67	\$4.34	\$9.11
1" Meter	\$3.10	\$2.15	\$6.96	\$12.21
1 1/2" Meter	\$3.10	\$2.74	\$14.47	\$20.31
2" Meter	\$3.10	\$4.45	\$23.15	\$30.70
3" Meter	\$3.10	\$16.83	\$43.42	\$63.35
4" Meter	\$3.10	\$21.43	\$72.36	\$96.89
6" Meter	\$3.10	\$32.14	\$144.72	\$179.96
8" Meter	\$3.10	\$44.39	\$231.55	\$279.04

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2. **Effective July 1, 2006.**

Effective July 1, 2006, each customer shall pay a monthly usage charge and monthly service charge in accordance with the schedules set forth below.

a. **Monthly Usage Charge.**

Each customer shall pay a monthly usage charge in accordance with the following schedule based on the metered cubic feet of water supplied:

<u>Monthly Usage</u>	<u>Rate per 100 Cubic Feet</u>
First 3,000 Cubic Feet	\$1.51
Next 97,000 Cubic Feet	\$1.30
Over 100,000 Cubic Feet	\$0.76

b. **Monthly Service Charge.**

Each customer shall pay a monthly service charge in accordance with the following schedule based on the applicable size of water meter installed. This service charge is in addition to the monthly usage charge.

<u>Meter Size</u>	<u>Billing Charge</u>	<u>Meter Charge</u>	<u>Public Fire Protection Charge</u>	<u>Total Charge</u>
5/8" Meter	\$3.22	\$1.60	\$3.01	\$7.83
3/4" Meter	\$3.22	\$1.74	\$4.52	\$9.48
1" Meter	\$3.22	\$2.24	\$7.53	\$12.99
1 1/2" Meter	\$3.22	\$2.85	\$15.05	\$21.12
2" Meter	\$3.22	\$4.63	\$24.08	\$31.93
3" Meter	\$3.22	\$17.51	\$45.15	\$65.88
4" Meter	\$3.22	\$22.29	\$75.25	\$100.76
6" Meter	\$3.22	\$33.43	\$150.51	\$187.16
8" Meter	\$3.22	\$46.17	\$240.81	\$290.20

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3. **Effective July 1, 2007.**

Effective July 1, 2007, each customer shall pay a monthly usage charge and monthly service charge in accordance with the schedules set forth below.

a. **Monthly Usage Charge.**

Each customer shall pay a monthly usage charge in accordance with the following schedule based on the metered cubic feet of water supplied:

Monthly Usage	Rate per 100 Cubic Feet
First 3,000 Cubic Feet	\$1.57
Next 97,000 Cubic Feet	\$1.35
Over 100,000 Cubic Feet	\$0.79

b. **Monthly Service Charge.**

Each customer shall pay a monthly service charge in accordance with the following schedule based on the applicable size of water meter installed. This service charge is in addition to the monthly usage charge.

Meter Size	Billing Charge	Meter Charge	Public Fire Protection Charge	Total Charge
5/8" Meter	\$3.35	\$1.66	\$3.13	\$8.14
3/4" Meter	\$3.35	\$1.81	\$4.70	\$9.86
1" Meter	\$3.35	\$2.33	\$7.83	\$13.51
1 1/2" Meter	\$3.35	\$2.96	\$15.65	\$21.96
2" Meter	\$3.35	\$4.81	\$25.04	\$33.20
3" Meter	\$3.35	\$18.21	\$46.96	\$68.52
4" Meter	\$3.35	\$23.18	\$78.26	\$104.79
6" Meter	\$3.35	\$34.77	\$156.53	\$194.65
8" Meter	\$3.35	\$48.02	\$250.44	\$301.81

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B. Temporary Customers.

Each temporary customer consuming water on an unmetered basis shall pay a monthly usage charge consistent with the schedule set forth in Section 2, paragraph A, and based on the cubic feet of water used as estimated by the Utilities Superintendent. In addition, each temporary customer shall pay an administrative fee of Twenty Dollars (\$20) per month.

C. Billing Cycle.

For the purposes of billing and collecting the rates and charges for water use, the Goshen Water Utility will bill customers on a monthly basis.

D. Fifth Street Water Fill Station.

A customer may dispense water into the person's own tank or other container from the water fill station located at the Water and Sewer Department at 308 North Fifth Street. The customer shall be charged Twenty-five Cents (25¢) per one hundred (100) gallons of water.

E. Unauthorized Use of Water.

Except as provided in Section 2, paragraph D, a person taking water from any public or private fire hydrant, faucet or in any way using water for private use which is supplied by the Water Utility without the knowledge and consent of the Water Utility shall be charged a fee of Five Hundred Dollars (\$500) unless the Water Utility can establish that a greater fee should be charged by applying the schedule of rates and charges.

Section 3. FIRE PROTECTION SERVICES

The following rates and charges are established for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes by the Goshen Water Utility:

A. Public Fire Hydrants.

1. The City of Goshen adopts the provisions of Indiana Code 8-1-2-103(d). The Common Council provides that costs for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be recovered and included in the basic rates for all customers of the Goshen Water Utility and/or Sewer Utility.
2. Effective January 1, 2005, the construction cost of any fire hydrant installed at the request of the city shall be paid for by the city or the developer if required by the city. The schedule of rates set forth in Section 2, paragraph A shall eliminate the fire protection charges billed directly to the City of Goshen, other than charges for the construction cost for new hydrants installed on or after January 1, 2005.
3. Each customer of the Water Utility and/or Sewer Utility shall pay a monthly public fire protection charge as follows.
 - a. **Water Utility Customers.**

Customers of the Water Utility will be charged a monthly public fire protection charge which is included in the monthly service charges set forth in Section 2, paragraph A, based on

the applicable size of water meter installed. Sprinkling meters for lawn watering purposes shall be excluded from this charge.

b. Sewer Utility Customers.

Customers of the Sewer Utility within the Goshen corporate limits whose real estate is not connected to the Water Utility's water system will be charged a monthly public fire protection charge in accordance with the following schedule based on the applicable size of meter installed. Customers of the Sewer Utility who do not have a meter installed will be charged a monthly public fire protection charge in accordance with the rate for a five-eighths inch ($\frac{5}{8}$ ") meter. This amount will be included on the customer's monthly sewer utility bill.

Monthly Charge			
<u>Meter Size</u>	<u>Effective July 1, 2005</u>	<u>Effective July 1, 2006</u>	<u>Effective July 1, 2007</u>
5/8" Meter	\$2.89	\$3.01	\$3.13
3/4" Meter	\$4.34	\$4.52	\$4.70
1" Meter	\$6.96	\$7.53	\$7.83
1½" Meter	\$14.47	\$15.05	\$15.65
2" Meter	\$23.15	\$24.08	\$25.04
3" Meter	\$43.42	\$45.15	\$46.96
4" Meter	\$72.36	\$75.25	\$78.26
6" Meter	\$144.72	\$150.51	\$156.53
8" Meter	\$231.55	\$240.81	\$250.44

B. Private Fire Hydrants.

- Each customer of the Water Utility with a private fire hydrant serving the customer's location shall pay an annual fire protection charge for private fire protection services in accordance with the following schedule for each private fire hydrant. The Water Utility billing office reserves the right to bill all customers for the charge on a monthly basis.

Annual Charge		
<u>Effective July 1, 2005</u>	<u>Effective July 1, 2006</u>	<u>Effective July 1, 2007</u>
\$401.80	\$417.87	\$434.58

- Upon payment of this fire protection charge, the Goshen Water Department will provide periodic maintenance, flushing, and replacement parts for any outside private fire hydrant. The city will provide maintenance and flushing upon the condition that the Water Department is granted access to the private fire hydrant for such purposes upon the Water Department's request during regular business hours. Such maintenance and flushing will be provided at similar intervals as to what city now provides to the city's public fire hydrants. The replacement of a private fire hydrant is not covered by this charge.

C. **Private Fire Sprinkler Line Connections.**

Each customer of the Water Utility with a private fire sprinkler line connection serving the customer's location shall pay an annual fire protection charge for private fire protection services in accordance with the following schedule based on the size of sprinkler line connection for each private fire sprinkler line connection. The Water Utility billing office reserves the right to bill all customers for the charge on a monthly basis.

Annual Charge			
<u>Connection Size</u>	<u>Effective July 1, 2005</u>	<u>Effective July 1, 2006</u>	<u>Effective July 1, 2007</u>
1½"	\$25.11	\$26.11	\$27.15
2"	\$44.65	\$46.44	\$48.30
3"	\$100.45	\$104.47	\$108.65
4"	\$178.59	\$185.73	\$193.16
6"	\$401.80	\$417.87	\$434.58
8"	\$714.25	\$742.82	\$772.53
10"	\$1,118.02	\$1,162.74	\$1,209.25
12"	\$1,607.16	\$1,671.45	\$1,738.31

Section 4. NON-RECURRING CHARGES

A. **Service Deposit.**

1. **Residential Customers.**

- a. A residential customer who is not the legal owner of the real estate serviced by the Water Utility shall pay a service deposit of Forty Dollars (\$40) when applying for service.
- b. A residential customer who is the legal owner of the real estate serviced by the Water Utility shall pay a service deposit of Forty Dollars (\$40) when applying for service, unless the residential customer had an account with the Water Utility in the customer's name for at least six (6) consecutive months prior, and all payments under the account are current and paid by their respective due dates during that six (6) month period.

2. **Non-Residential Customers.**

- a. A commercial, industrial, or other non-residential customer who is not the legal owner of the real estate serviced by the Water Utility shall pay a service deposit equal to one-sixth (1/6) of the estimated annual billing for that location or Forty Dollars (\$40), whichever is greater, when applying for service.
- b. A commercial, industrial, or other non-residential customer who is the legal owner of the real estate serviced by the Water Utility shall also be required to pay a service deposit equal to one-sixth (1/6) of the estimated annual billing for that location or Forty Dollars

(\$40), whichever is greater, unless the customer had an account with the Water Utility in the customer's name for at least six (6) consecutive months prior, and all payments under the account are current and paid by their respective due dates during that six (6) month period.

3. The service deposit may be applied to any outstanding charges of the customer following the disconnection of service due to non-payment or when the is account is closed. Any surplus balance will be refunded to the customer by mail within thirty (30) days after payment of the final bill. Should a balance exist on the account after application of the service deposit, the city reserves the right to collect any such balance as provided by law.

B. Late Payment Charge.

A customer who has not paid all charges on an account on or before the due date stated on the bill, which due date will be at least fifteen (15) days after the bill is rendered, shall be assessed a late payment charge of ten percent (10%) on any outstanding balance.

C. Service Call Charge.

A customer shall pay a service call charge in accordance with the following schedule for any service calls requiring action before the next business day, whether or not the customer requests such service.

<u>Time</u>	<u>Service Call Charge</u>
During Regular Business Hours	No Charge
After Regular Business Hours and Saturdays	\$60.00
Sundays and Holidays	\$90.00

D. Reconnection Charge.

When water service is disconnected at any location for any reason, including the non-payment of a bill, a customer must pay a reconnection fee in accordance with the following schedule before the service will be restored. Furthermore, if the service was disconnected due to the non-payment of a bill, the customer must also pay all delinquent charges and a service deposit as authorized by Section 4, paragraph A before service will be restored.

<u>Time</u>	<u>Reconnection Charge</u>
During Regular Business Hours	\$30.00
After Regular Business Hours and Saturdays	\$60.00
Sundays and Holidays	\$90.00

E. Surcharge for a Dishonored Check, Draft, Order, or Like Instrument.

If a check, draft, order or like instrument tendered to the City of Goshen is dishonored or returned unpaid for any reason, the city may charge and collect from the maker or drawer, or the person for whose benefit the instrument was given, an amount not to exceed Thirty Dollars (\$30) plus an amount

equal to the actual charge by the depository institution for each returned or dishonored instrument. The charge shall not be considered an interest charge, a finance charge, a time-price differential, or any charge of a similar nature.

F. **Additional Water Utility Products.**

Any water utility product needed by a customer of the Goshen Water Utility may be furnished by the Water Utility and billed to the customer at the city's actual cost for the product plus an administrative fee of Twenty Dollars (\$20).

G. **Recalculation Charge.**

A customer or developer shall pay an administrative fee of Twenty Dollars (\$20) if, due to no fault of the Water Utility, any charge is required to be recalculated due to a change in the size of meter or size of line connection.

Section 5. MISCELLANEOUS

A. **Payment Obligation.**

Any customer over the age of 18 who occupies a location serviced by the Water Utility and who makes application to the city to have utility charges billed to him or her may be billed those charges directly from the date of application. The person making application to have the utility charges billed to him or her personally is obligated to pay all proper charges made to the account until the customer informs the city in writing of his or her intent to remove his or her name from the account.

B. **Owner's Right to Examine Records.**

The owner of a location in which the utility bill is sent to a person other than the owner shall have the right to examine the collection records of the Water Utility during regular business hours for the purpose of determining whether charges have been paid.

Section 6. REASONABLE RETURN

In accordance with Indiana Code 8-1.5-3-8, it is the intent of the Common Council that the rates and charges for the use of services rendered by the Goshen Water Utility produce an income sufficient to maintain the utility property in sound physical and financial condition to render adequate and efficient services. Further, the rates and charges shall be sufficient to include a reasonable return on the Goshen Water Utility plant.

Section 7. PAYMENT IN LIEU OF PROPERTY TAXES

In accordance with Indiana Code 8-1.5-3-8(g), the Common Council elects to transfer to the city's general fund a payment in lieu of taxes from the rates and charges of the Goshen Water Utility in an amount sufficient to compensate the city for taxes that would be due the city on the Goshen Water Utility property if the property were privately owned.

Section 8. SEVERABILITY

The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 9. OTHER ORDINANCES

- A. All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of such inconsistency or conflict.
- B. This ordinance specifically amends and replaces the schedule of rates and charges set forth in Ordinance 4232.

Section 10. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and adoption, but in no event before July 1, 2005.

This ordinance is duly passed by the Common Council of the City of Goshen, Indiana on the 3rd day of may, 2005.

Allan Kauffman
Allan Kauffman, Presiding Officer

Attest:

Tina M. Bontrager
Tina M. Bontrager, Clerk-Treasurer

This ordinance, having been passed by the Common Council, is presented by me to the Mayor for his approval on the 3rd day of may, 2005.

Tina M. Bontrager
Tina M. Bontrager, Clerk-Treasurer

This ordinance, having been passed by the Common Council and presented to me is approved by me and duly adopted on the 3rd day of may, 2005.

Allan Kauffman
Allan Kauffman, Mayor