

ORDINANCE NO. 2020-OR-18

AN ORDINANCE AMENDING (ORDINANCE 2018-OR-11) SEWER CAPACITY FEES OF
THE CITY OF CHARLESTOWN (ORDINANCE 2018-OR-11)

WHEREAS, the City of Charlestown, Indiana (the "City"), owns and operates a sanitary sewage utility works (the "Utility") for the purposes of collection and treatment of wastewater (sanitary sewage);

WHEREAS, the cost of operating and maintaining the Utility regularly increases as a result of cost of living increases, economic inflation, depreciation of assets, and compliance with environmental regulations. It is, therefore, necessary to increase the cost for connecting to said Utility to ensure the Utility's ability to improve/expand its systems as required;

WHEREAS, the City's Common Council (the "Council") desires to 1) revise its fee schedule for allowing Persons to tap in to the collection and treatment system operated by the Utility; 2) change fees for connecting to or increasing flow to the collection system from a flat fee to a fee based on anticipated usage; 3) measuring the amount of discharge produced by users in comparison to the discharge produced by an average dwelling unit (referred to as "*Equivalent Dwelling Units*" or "*EDUs*"); 4) to rename what has previously been referred to as a *Sewer Tap-In Fee* to what will hereafter be called a *Sewer Capacity Fee*; and, 5) to repeal and supersede all prior Ordinances pertaining to Sewer Tap-in fees that are not consistent with the changes required by this Ordinance.

NOW BE IT ORDAINED that City Ordinance NO. 2001-0R-09, as well as all other City Ordinances, or parts of City Ordinances, establishing or modifying Sewer Tap-In Fees are hereby repealed as of the date this Ordinance becomes effective.

IT IS FURTMR ORDAINED that for purposes of interpreting this Ordinance the following definitions shall apply. Words not specifically defined below shall have their common meanings, taken in context with the purpose of this Ordinance.

Section 1. Definitions:

- (a) "Sewer Capacity Fee" means the payment required to be paid by a customer of the Utility for the purpose of allowing the Utility to maintain and/or replace the capacity of the sanitary sewer collection system and wastewater treatment facility anticipated to be used by the customer. This charge applies to all customers, including but not limited to each single-family residence, multi-residential structures, and commercial, industrial, or government customers of the utility;
- (b) "Equivalent Dwelling Unit" or "EDU" means the equivalent of the sanitary sewage flow produced by a single-family residence served by a single service lateral discharging a base flow; that being established as three hundred ten (310) gallons of

wastewater per day.

- (c) "Average Daily Flow" or "ADF" shall have the same definition as defined by 327 IAC 3-6-11, which is the flow rate requirements for collection systems and water pollution treatment/control facilities.
- (d) "Flow Calculation Factor" or "FCF" means the recommended minimum daily sewerage production per occupant unit, per occupant type the same definition as defined in Table 11-1 of 327 IAC 3-6-11.
- (e) "Design Occupant Load" means the number of Persons that are intended to occupy a building, or portion thereof, at any one (1) time, based on the facility's intended use. The Design Occupant Load shall comply with the most current standards of the *Indiana Building Code*, 675 IAC.
- (f) "Collector Sewer" means a sanitary sewer of minimum eight (8) inches in diameter which receives sanitary sewage or wastewater from the individual service lateral sewers.
- (g) "Service Lateral Sewer" means the branch from the collector sewer to the residence or equivalent unit for the purposes of conveying sewage or wastewater to the collection system for disposal.
- (h) "Council" means the Common Council of the City of Charlestown, Indiana or any duly authorized officials acting on its behalf.
- (i) "City" means the City of Charlestown, Indiana, or representatives acting on its behalf.
- o) "Person" means any Persons or entities, including any individual, firm, company, municipal or private corporation, limited liability company, association, society, institution, enterprise, governmental agency, or other legal entity.
- (k) "Shall" is mandatory; "May" is permissive.

Section 2. Sewer Capacity Fee. Beginning on the effective date of this Ordinance, prior to the issuance of a preliminary plat, final plat, or building permit for any new structure, renovated structure, structure that is being used in a different manner, or developments, a Sewer Capacity Fee of Twenty-One Hundred Dollars (**\$2,100.00 US**) per Equivalent Dwelling Unit (EDU) shall be levied against a user connecting to the City's sewage works as follows. Likewise, if a structure is not altered, but will be put to a different use which is anticipated to cause an increase in the wastewater discharge to the Utility, a Sewer Capacity Fee will be required, as described hereafter in this Ordinance:

(a) Calculation of EDU.

1. Single Family Residence. A single family residential connection shall equal one-(1) EDU, which is established at three hundred ten gallons per day (310 GPD).

2. Uses other than single-family residential users. All other Utility customers making new connections or changing the use of the structures served by the Utility shall pay a Sewer Capacity Fee based on the equivalent EDU or, in the case of changes, the anticipated increase in EDUs. The number of equivalent EDUs shall be calculated by dividing the Average Daily Flow (ADF) by three hundred ten gallons per day (310 GPD), as described in Section 2(b) below. The ADF shall be calculated by multiplying the Flow Calculation Factor(s) (FCF) by the Design Occupant Load (see "*Exhibit A*", attached hereto).
3. Changes of Use. If the use to which a structure with an existing Utility connection changes, such that the ADF is likely to increase — or does increase the owner is required to pay an additional Sewer Capacity Fee in an amount equal to the difference in ADF between the previous use and the intended (or changed) use, prior to the time that the new use begins. Any Person that intends to change the use of such a structure, or who does change the use of such a structure, shall promptly notify the Utility's billing office, in writing, on a form provided by the Utility's billing office, of the intended change of use. Failure to provide such written notice is a violation of this Ordinance.

(b) Calculation of Sewer Capacity Fee. The sewer capacity fee shall be calculated as follows:

$$\text{Capacity Fee} = \text{Number of EDUs} \times \text{Twenty-One Hundred Dollars } (\$2,100.00 \text{ US})$$

Final determination of Sewer Capacity Fees for structures other than single-family residential structures shall only be made after details of the structure's proposed use, area (footprint) and Design Occupant Load have been determined and submitted to the City for review (also see "*Exhibit A*").

(c) Installment Payments for Proposed Multi-Structures. The Capacity Fee associated with a new multi-lot or multi-structure development within the Utility's service area may be paid in installments as follows:

1. For proposed developments/projects in which the Person wants to reserve capacity for the entire proposed development/project, the Person shall pay one-sixth (1/6th) of the Capacity Fee attributable to the overall project or development at the time of the approval of the preliminary plat or development plan. The Person shall pay another one-sixth (1/6th) of the Capacity Fee upon approval of the final plat or development plan (for a total of one-third (1/3rd) of the total Capacity Fee for the EDUs attributable to the final plat or development plan of the property). The City will, upon such payment, certify capacity for those EDUs included in the final plat or development plan. The Person shall pay the remaining two-thirds (2/3rd) of the Capacity Fee at the time the building permit is applied for and issued for each lot or property contained in the final plat or

development plan.

2. For proposed developments/projects in which the Person does not want to reserve capacity, the Person shall pay one-third (1/3rd) of the total Capacity Fee for the EDUs attributable to the final plat or development plan of the property. The City will not certify capacity for the EDUs not included in the final plat but included in the preliminary plat. The Builder shall pay the remaining two-thirds (2/3rd) of the Capacity Fee at the time the building permit is applied for and issued for the property contained in the final plat.

(d) Previously Approved Projects. Where an individual connection to the sewer system permitted prior to the effective date of this Ordinance is requested, the Person requesting the connection shall pay the entire Capacity Fee at the time the connection permit is requested and the permit is issued.

(e) Previously Paid Fees. If a tap-in fee or capacity fee has previously been paid, that tap-in permit shall be honored for a period of ten (10) years from the original date of payment. If not used within that time, the Tap-In permit will expire.

(f) Refunds/Transfers. In all cases, Tap-In Fees and Capacity Fees are nonrefundable and non-transferrable and shall remain with the property or improvement for which it was issued and applied.

(g) Abandonment. In the event that a structure that has previously tapped into the Utility ceases to produce sanitary sewage flow and pay a usage fee to the Utility for a period of more than six (6) months, before that structure is allowed to discharge sanitary sewage to the Utility the owner of the structure shall pay an additional Sewer Capacity Fee.

Section 3. Sewer Tap Inspection Fee. In addition to the Capacity Fee, a separate *sewer tap inspection fee* of thirty dollars (**\$30.00 US**) shall be paid by all customers connecting to the City's sewage works, for each tap. The *Sewer Tap Inspection Fee* shall be paid prior to making the lateral connection to the City of Charlestown sanitary sewer facilities.

Section 4. Sewer Disconnect/Reconnect Fee (Service Charge) \$70.00

When water service is turned off for non-payment of bill, or whenever for any reason beyond the control of the Wastewater Department a re-establishment of service is required by any one customer, this fee will be charged by the Wastewater Department to cover the cost of discontinuance and re-establishment of service. The fee together with any arrears due to the Wastewater Department, shall be paid by customer before service will be re-established.

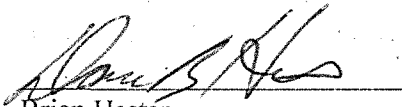
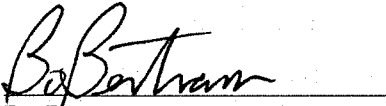
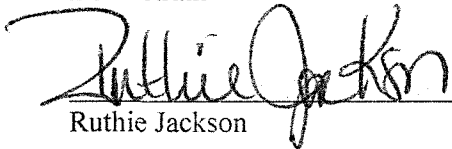


Section 5. Fines for Non-Compliance. A Person who fails to pay any fee when required by this Ordinance, or that violates any other provision of this Ordinance, shall be subject to fines. The minimum fine for any violation of this Ordinance shall be twenty-five dollars (\$25.00 US), with the maximum fine for a violation of this Ordinance being one thousand five hundred dollars (\$1,500.00 US). Each day a violation continues is considered a separate offense.

Section 6. Severability. Each section and subsection of this Ordinance is deemed to have been adopted separately. If any part of this Ordinance is deemed illegal, including the application of such part or provision to other Persons or circumstances, the remainder of the provisions shall not be affected thereby and shall continue in full force and effect. The Common Council of the City of Charlestown, Indiana hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

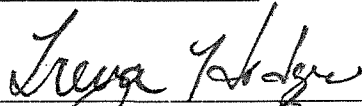
Section 7. Effective Date. This Ordinance shall be in full force and effect immediately after any required publication.

ALL OF WHICH IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN ON THE 3rd DAY OF AUGUST, 2020.

So Ordained this 3rd day of August, 2020.

 Brian Hester	In Favor Opposed Abstained <input checked="" type="checkbox"/> _____ _____
 Bo Bertram	In Favor Opposed Abstained <input checked="" type="checkbox"/> _____ _____
 Ruthie Jackson	In Favor Opposed Abstained <input checked="" type="checkbox"/> _____ _____
 B. J. Steele	In Favor Opposed Abstained <input checked="" type="checkbox"/> _____ _____
 J. T. Cox	In Favor Opposed Abstained <input checked="" type="checkbox"/> _____ _____

THIS ORDINANCE WAS APPROVED upon this date: 8-3-2020


 Treva Hodges, Mayor

ATTEST:
8-3-2020
 Date

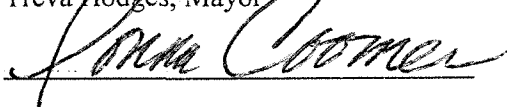

 Donna Coomer, City Clerk Treasurer

Exhibit A

The charge for connections other than single-family residential connections shall be computed by establishing the total gallorage flow rate per day for the connection by dividing the total by 310 GPD (one EDU) and multiplying the quotient by the amount of the residential sewer connection. gpd/sf shall mean gallon per day per square foot as noted below.

TYPE OF FACILITY	FLOW
Airports (Per employee)	20 gpd
Institutions-Nursing Homes, Hospitals, etc. (per bed)	200 gpd
Schools (without gym and showers) per student	15 gpd
Schools (with gym and shower) per student	25 gpd
Camps	
• Per Toilet	400 gpd
• Showers	300 gpd
• Washing Facilities	5 gpd
Mobile Home Parks (per space)	310 gpd
Motels and Hotels - per room	100 gpd
Restaurants, Cafeterias, etc. - per square foot	0.35 gpd
Bars, Cocktail Lounges	0.35 gpd
Manufacturing	
0-4,999 square feet	0.20 gpd/sf
Add to Base 5,000 square feet	
• 5,000-24,999 square feet	0.50 gpd/sf
• 25,000-99,999 square feet	0.015 gpd/sf
• 100,000-499,999 square feet	0.0125 gpd/sf
• 500,000 – 999,999 square feet	0.01 gpd/sf
Doctor's Office	
• Doctors/Nurses	75 gpd
• Support Staff	20 gpd
Warehousing	
0-4,999 square feet	0.1 gpd/sf
Add to Base 5,000 square feet	
• 5,000-9,999 square feet	0.05 gpd/sf
• 10,000-24,999 square feet	0.015 gpd/sf
• 25,000-99,999 square feet	0.0125 gpd/sf
• 100,000-499,999 square feet	0.01 gpd/sf
• 500,000-999,999 square feet	0.0005 gpd/sf
Offices	
0-4,999 square feet	0.3 gpd/sf
Add to Base 5,000 square feet	
• 5,000-9,999 square feet	0.25 gpd/sf
• 10,000 and over	0.2 gpd/sf
Banks and Financial Institutions	0.3 gpd/sf
Theaters, Drive-ins - per parking ramp	7 gpd

Theaters, indoor - per seat	4 gpd
Service Stations (without car wash)	0.25 gpd/sf
Service Stations (with car wash)	
(all improvements except washing bay) .25 GSFPD plus	650 gpd/bay
Service Stations, Garages, Mechanics, Repair Establishments	0.25 gpd/sf
Duplexes, Condos, Townhouses and Apartments with washer hookups	
• 1 bedroom	200 gpd
• 2 bedroom	260 gpd
• 3 bedroom	310 gpd
Duplexes, Condos, Townhouses and Apartments without washer hookups	
• 1 bedroom	120 gpd
• 2 bedroom	150 gpd
• 3 bedroom	300 gpd
Churches with kitchen - per sanctuary seat or equivalency in case of benches)	5 gpd
Laundry - per washing machine	110 gpd
Grocery Stores with grinder facilities	0.35 gpd/sf
Grocery Stores	0.2 gpd/sf
Retail Establishments	0.2 gpd/sf
Kennels and Vet Clinics	
• Cages - per cage	5 gpd
• Inside runs - per run	10 gpd
• Outside runs - per run	20 gpd
• Surgery plus - per room	50 gpd
Staff	
• Doctor	75 gpd
• Staff	20 gpd
Picnic Areas or Parks	
• Per toilet	400 gpd
• Showers	300 gpd
• Washing facilities	5 gpd
Club Houses, Community Houses, etc.	0.35 gpd/sf
Health clubs, and beauty and barber shops, etc.	0.3 gpd/sf
Self-service car wash	650 gpd/bay
Day care center	0.25 gpd/sf
Dental Offices	
• Chair(s)	200 gpd
• Employees	75 gpd