

SUBSTITUTE BILL NO. 101-21

ORDINANCE NO. 10797-21

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING VARIOUS SECTIONS OF THE SOUTH BEND MUNICIPAL CODE WITHIN CHAPTER 16 AT ARTICLES 1 AND 2 AND WITHIN CHAPTER 17 AT ARTICLE 2, DIVISION 4; ARTICLE 4, ARTICLE 14, AND ARTICLE 15 TO PROVIDE A COMPREHENSIVE ADJUSTMENT TO RATES FOR SOUTH BEND UTILITY CUSTOMERS IN THE CITY'S FURNISHMENT OF REFUSE, SEWER, WATER, STORM WATER, AND THE LOW-INCOME CUSTOMER ASSISTANCE PROGRAM

STATEMENT OF PURPOSE AND INTENT

The purpose of this comprehensive rate adjustment is to provide a multi-year plan that meets the operational and capital needs of South Bend utilities by gradually adjusting rates to generate sufficient cash flow. The increases are based on the recommendations of a comprehensive utility long-term rate plan commissioned by the City.

The amendments to various sections of Chapter 16, Articles 1 and 2 of the South Bend Municipal Code are meant to offer clarity regarding the City's Solid Waste operations as well as offer a new rate structure for all customers.

Several new definitions have been added to Chapter 16, Article 1. Monthly rates for collection of residential refuse are increased to cover costs. Other Sections of Chapter 16 have been amended consistent with changes to the definition Section and to clarify how refuse is to be handled by residential occupants for pick-up by the City.

In Chapter 17, Articles 2 & 4, rates for water and sewer services are increased per the recommendations of the comprehensive rate study. The changes to the water rates will be subject to approval of the Indiana Utility Regulatory Commission ("IURC"). Chapter 17, Article 10, Section 17-81 is recodified as Chapter 17, Article 2, Division 4, Sec. 17-21 (d) where it was intended to be located when adopted in 2016.

In Chapter 17, Article 14, the stormwater utility will transition to a hybrid system with residential customers being charged a flat fee with minor adjustments over time while non-residential customers will have a multi-tiered impervious area-based rate. This will better align costs with customers generating larger amounts of runoff.

In Chapter 17, Article 15, the Low-Income Customer Assistance Program surcharge will be increasing on a graduated basis and larger discounts will be provided to qualified customers.

This ordinance is necessary for the effective, efficient operation of the City's refuse, sewer, water, and storm water utilities. A comprehensive adjustment of the rates provides customers with better understanding of the totality of services that comprise their utility bills and the integration of all services. This ordinance is in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I: REFUSE

Chapter 16, Article 1, Section 16-1 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

ARTICLE 1. - ADMINISTRATION OF CHAPTER

Sec. 16-1. - Definitions.

(a) As used in this Chapter:

- (1) *Dirt* means natural soil, earth and stone;
- (2) *E-Waste* means electronic waste such as televisions, computers, monitors, laptops, tablets, desktops, e-reader, fax machines, copiers, peripherals (including keyboards, mice, external hard drivers, printers, copiers, projectors, and any other devices that are sold exclusively for external use with a computer and provide input into or output from a computer), DVD players, gaming systems, digital photo frames, digital media players, iPods/MP3 players, camcorders/cameras, DVR/TiVo devices, cable boxes, satellite boxes, GPS navigation systems and appliances that plug into an outlet. These items are not permitted for disposal at a refuse facility (landfill or transfer station).
- (3) *Free Liquids* means liquids which readily separate from the solid portion of waste. (paint, oils, grease, juice from a solid) This type of waste is not permitted for disposal at a refuse facility (landfill or transfer station).
- ~~(2)~~ (4) *Garbage* means putrescible animal solid, vegetable solid and semi-solid wastes resulting from the handling, preparation, cooking and consumption of food, excluding human excreta;
- ~~(3)~~ (5) *Groundwater* means any supply of water beneath the undisturbed surface of the earth in any natural geological formation;
- ~~(4)~~ (6) *Incineration* means a process of reducing combustible wastes to inert residue by high temperature burning;
- ~~(5)~~ (7) *Litter* means garbage, refuse and trash, and all other waste material, which, if thrown or deposited, tends to create a danger to public health, safety or welfare or tends to reduce the quality of life aesthetically for surrounding residents;
- (8) *Major Appliances* (also referred to as white goods) include large household appliances such as: air conditioners, dishwashers, clothes dryers, freezers, refrigerators, dehumidifiers, kitchen stoves, water heaters, washing machines, and microwave ovens.
- ~~(6)~~ (9) *Person* means cities, villages, townships, counties and other governmental agencies, corporations, companies and both municipal and private associations, partnerships, individuals and authorities;
- ~~(7)~~ (10) *Residential refuse* means refuse generated by or emanating from single-family dwellings and/or multifamily dwellings containing a maximum of four (4) separate living

or apartment units per dwelling; provided, however, that this term shall not include refuse generated by a multifamily dwelling that is physically a part of a larger commercial apartment complex;

~~(8)~~(11) *Refuse (also referred to as solid waste)* means garbage, trash, yard waste or any combination thereof;

~~(10)~~(12) *Sanitary landfill* means a controlled method of refuse disposal providing compaction and covering daily of the refuse;

~~(10.5)~~(13) *Specialized collection services* means the collection of residential refuse from other than the curbside or alleyside.

~~(11)~~(14) *Surface water* means any body of water whose top surface is exposed to daylight including flowing bodies as well as ponds and lakes;

(15) *Transfer Station* means facilities where solid waste, mainly municipal solid waste, is unloaded from collection vehicles or containers for reloading into larger, long-distance vehicles for transport to landfills or other permitted solid waste facilities for final disposal.

(16) *Trash* means non putrescible solid waste consisting of both combustible and noncombustible waste such as paper, cardboard, tin cans, wood, glass, ashes, bedding, crockery, metal and similar materials, but excluding dirt, stones, plaster, concrete, building materials, dangerous materials such as poisons, acids, caustic or infected materials and animal offal;

~~(12)~~(17) *Yard waste* means leaves, plants, weeds, grass clippings, or shrubbery cuttings, tree limbs of a diameter of less than six (6) inches, twigs, small branches of a diameter less than one (1) inch and other organic refuse arising from the care of lawns and yards.

(Ord. No. 8436-93, § I)

Sec. 16-3. - Board of Public Works—Purchase of equipment personnel; landfill areas, recycling and resource recovery facilities.

(a) The Board of Public Works shall have the authority to purchase such equipment and employ such personnel as may be necessary to carry out the provisions and intent of this Chapter.

(b) The Board may lease, build, contract for, rent or purchase the necessary land and facilities to be used as ~~landfill areas,~~ disposal facility, transfer station and recycling or resource recovery facilities.

(Ord. No. 8436-93, § I)

A. Chapter 16, Article 2, Section 16-6 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

ARTICLE 2. - COLLECTION AND DISPOSAL

Sec. 16-6. - Collection of residential refuse; exceptions; fees.

- (a) The City shall have exclusive jurisdiction over and the exclusive right to control the collection and disposal of residential refuse within the boundaries of the City of South Bend. The City may exercise its exclusive jurisdiction and right to control residential refuse by providing collection and disposal services itself, or the City may, through its Board of Public Works, contract with or formally permit others to provide collection and disposal services on its behalf. No residential refuse, as defined in this Chapter, shall be collected or disposed of except by the City or by a person or company under contract with or permitted by the City to provide such services. The City, in its sole discretion, may also provide collection and disposal of residential refuse outside City boundaries where other City utilities such as water and/or sewer services are provided. Such areas shall be selected at the discretion of the Director of Public Works based on factors including, density of residential structures, proximity to the City boundary and operational capacity of the Division of Solid Waste. Where economy of scale is lacking or cost of providing service exceeds revenue, provision of residential refuse services outside City boundaries generally is not recommended.
- (b) Exceptions and exemptions:
- (1) Nothing in this Chapter shall prevent any person who generates or produces residential refuse on property owned or leased by such person from separating recyclable materials from such residential refuse and either; (1) maintaining title to such recyclable materials for their own use; or (2) disposing of such recyclable materials by participating in a recycling program; or by sale or gift; provided, however, that such separation and disposition neither creates a public nuisance, nor is otherwise injurious to the public health, welfare and safety.
 - (2) Nothing in this Chapter shall prevent the removal from residential premises of discarded building materials, trees, brush and other vegetation resulting from the activities of building contractors, commercial tree trimmers or commercial lawn services; provided, however, that such residential refuse so removed that falls within the definition of yard waste shall either be disposed of at the City's Organic Resource Facility as provided in article 4, below, collected by the City or shall be otherwise recycled in a manner approved by the Director of the Department of Public Works.
- (c) The City shall charge the owner or occupant of each occupied residence within the City for the collection and disposal of residential refuse according to the ~~following~~ schedule below. Charges are non-refundable unless for an account error due to the billing software.
- (1) Rates and Charges.

MONTHLY RATES					
		<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
One-family dwelling	\$12.48	<u>\$13.98</u>	<u>\$15.10</u>	<u>\$15.78</u>	<u>\$16.35</u>
One-family dwelling Outside City of South Bend Limits	\$16.22	<u>\$18.17</u>	<u>\$19.63</u>	<u>\$20.51</u>	<u>\$21.26</u>
Two-family dwelling**	\$19.57	<u>\$21.92</u>	<u>\$23.68</u>	<u>\$24.74</u>	<u>\$25.64</u>
Three-Family dwelling**	\$26.66	<u>\$29.86</u>	<u>\$32.25</u>	<u>\$33.71</u>	<u>\$34.92</u>
Four Family Dwelling**	\$33.76	<u>\$37.82</u>	<u>\$40.85</u>	<u>\$42.68</u>	<u>\$44.23</u>
Senior rate***	\$7.49	<u>\$8.39</u>	<u>\$9.06</u>	<u>\$9.47</u>	<u>\$9.81</u>
Senior rate*** Outside City of South Bend Limits	\$9.36	<u>\$10.49</u>	<u>\$11.33</u>	<u>\$11.84</u>	<u>\$12.26</u>
Commercial	\$16.22	<u>\$18.17</u>	<u>\$19.63</u>	<u>\$20.51</u>	<u>\$21.26</u>
Yard Waste Weekly Service****	\$2.00	<u>\$3.50</u>	<u>\$4.50</u>	<u>\$5.50</u>	<u>\$6.00</u>
Additional Trash Container (per container)	\$7.09	<u>\$7.94</u>	<u>\$8.58</u>	<u>\$8.97</u>	<u>\$9.29</u>
Additional Yard Waste Container (per container) ****	\$2.00	<u>\$3.50</u>	<u>\$4.50</u>	<u>\$5.50</u>	<u>\$6.00</u>
Fees Per Incident					
Tote Replacement Fee	\$50.00	<u>\$50.00</u>	<u>\$50.00</u>	<u>\$50.00</u>	<u>\$50.00</u>
Special Trash Collection per cubic yard	\$20.00	<u>\$20.00</u>	<u>\$20.00</u>	<u>\$20.00</u>	<u>\$20.00</u>

MONTHLY RATES					
		<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Special Yard Waste Collection per cubic yard	\$10.00	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>
Return Trip Fee	\$10.00	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>
Contamination Fee *****	\$10.00	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>
Administrative Fee	\$10.00	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>

* Until further amended.

** With one water meter.

*** Where one resident/occupant of the account has submitted to the Board of Public Works proof of address and proof of being age sixty-five (65) or older. No owner age sixty-five (65) or older of multiple properties may claim more than one senior discount. Cooperative housing where more than 75% of the residents meet the age requirements for seniors will be eligible for group senior rate.

**** Charge for the yard waste season which is billed monthly for weekly service during the months of April through November.

***** Charge for Yard waste contamination after 1st warning. The charge will increase by \$5 for every subsequent occurrence up to a maximum of \$20 in a given calendar year.

- (2) The City shall provide, contract with others, or, by permit, allow others to provide specialized collection services, which allow for collection of residential refuse from areas other than curbside or approved alleyside. If the City provides specialized collection services, itself, or by contract with others, the monthly charge for such service shall be set by the South Bend Common Council. If specialized collection services are provided by a permittee of the City, the monthly charge shall be subject to negotiation between the customer and the permittee; and such fee shall be collected by the permittee. The services provided by the permittee shall be governed by rules and regulations adopted by the Board of Public Works.
- (3) The City may provide or contract with others to provide curbside collection of recyclables. If such collection is performed by the City, the fee for such service may be

set by the Board of Public Works after a public hearing to a fee reflective of the actual cost to the City of providing such service. If the service is performed by a contractor selected pursuant to a public bid process, the monthly fee for such service to the public may be determined by the bid or may be set by the Board of Public Works.

- (4) Special Collection, such as the pick-up of major appliances, furniture and other miscellaneous items: ~~Major a~~Appliances, furniture and other miscellaneous items which, in the opinion of the Director of the Division of Solid Waste, require special equipment or special scheduling, shall be picked up by the City from residential customers subject to the following charges:

- (1) Each month, the first large item ~~or cubic yard~~ (for example, ~~appliance~~, refrigerator, freezer, washer, dryer, table, chair, sofa, etc.) shall be free. Each additional item or cubic yard shall follow the rate structure set forth in Section 16-6(c)(1).

Note: Per the United States Environmental Protection Agency, appliances containing refrigerants such as refrigerators, freezers, air conditioners and dehumidifiers must have refrigerant removed prior to disposal. A certificate confirming the removal of refrigerant by a certified professional is required before items will be picked up by the City. The certification should contain a signed statement with the name and address of the person who removed the refrigerant and the date the refrigerant was removed.

The Director of the Division of Solid Waste or designated personnel shall, upon request, provide the customer with an estimated removal cost. In such a case, the items will be removed by the Division only after acceptance by the customer of the estimated removal costs.

- (d) ~~It is the responsibility of the owners, occupants or tenants of abutting property to keep all alleys used by any sanitation vehicles clean, orderly and passable at all times. In areas where the City has made exceptions for curbside pickup and provides alley pickup, it will be the responsibility of abutting property owners to keep that alley clean, orderly and passable at all times.~~

(Ord. No. 8436-93, § I; Ord. No. 8454-94, § 3; Ord. No. 8970-98, § I; Ord. No. 9599-05, § I, 6-27-05; Ord. No. 9640-05, § I, 11-28-05; Ord. No. 9861-08, § I, 8-25-08; Ord. No. 10400-15, §§ I—III, 11-9-15; Ord. No. 10538-17, § I, 9-11-17.)

B. Chapter 16, Article 2, Section 16-8 (f) of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 16-8. - Use of any City-furnished refuse containers required; disabled customer exception; nonrecurring charge for new users; separation of yard waste; and required use of City-furnished yard waste containers; paper or other biodegradable bags.

- (f) Yard waste as defined herein, shall be collected by the City on a weekly basis within the City limits for disposal and recycling at the City's Organic Resource Facility provided it is placed in containers furnished by the City. Each owner, occupant or lessee of any single or multifamily dwelling shall separate and keep separate any yard waste from the remainder of

the residential refuse for collection. Yard waste shall not be placed in plastic bags for collection. Such yard waste shall be placed in containers furnished by the City, or may be placed for special pick-up only, in paper or other biodegradable bags. Twigs and branches less than two (2) inches in diameter are allowed in the yard waste container for weekly pickup. Additionally, special pick-up may be scheduled for any tree limbs and brush of a diameter of greater than two (2) inches and less than six four (46) inches which shall be bundled together in lengths of forty-eight (48) inches or less, or for large quantities of yard waste, excluding tree limbs in excess of six (6) inches in diameter and stumps. Nothing in this section shall prohibit any person from recycling yard wastes on their own property for their own use or from giving such yard waste to another for recycling or use; provided, however, that such recycling neither creates a public nuisance nor is otherwise injurious to the public health, welfare or safety. Nothing in this section shall be construed to prohibit the deposit of leaves in a neat and careful manner in the tree lawn or any street in the autumn during the period designated by the Department of Public Works for collection.

(Ord. No. 8436-93, § I; Ord. No. 9599-05, § II, 6-27-05; Ord. No. 10270-13, §§ I, II, 11-11-13; Ord. No. 10400-15, § IV, 11-9-15; Ord. No. 10401-15, §§ I—III, 11-23-15; [Ord. No. 10538-17, § I, 9-11-17](#))

C. Chapter 16, Article 2, Section 16-10 of the South Bend Municipal Code be and hereby is amended to read in its entirety as follows:

Sec. 16-10. - Garbage required to be bagged ~~wrapped~~.

- (a) All accumulations of garbage which shall be ~~placed~~ put into City supplied containers shall be securely placed in a plastic bag and tied ~~wrapped~~ to prevent its exposure to the air.
- (b) Bagged trash must be placed in City supplied containers with the lid completely closed. Bags outside of the container on the ground or on top of a container will not be picked up. All trash containing any garbage particles must be placed in containers with tight fitting lids or covers.

(Ord. No. 8436-93, § I)

SECTION II: SEWERS

Chapter 17, Article 2, Division 4 at Section 17-21(b) of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 17-21 Sewage rates determination.

(b) *Schedule of Rates and Charges.*

(1) 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 water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed 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:

Schedule of Rates and Charges
Note: Columns 2014 & 2015 should be deleted in their entirety.

	2016 <u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Metered Rates (per 100 cubic feet)	\$2.81 <u>\$2.92</u>	<u>\$3.04</u>	<u>\$3.16</u>	<u>\$3.29</u>
Base Monthly Charge				
5/8 inch meter	\$29.89 <u>\$31.09</u>	<u>\$32.33</u>	<u>\$33.62</u>	<u>\$34.96</u>
¾ inch meter	40.29 <u>41.90</u>	<u>43.58</u>	<u>45.32</u>	<u>47.13</u>
1 inch meter	68.87 <u>71.62</u>	<u>74.48</u>	<u>77.46</u>	<u>80.56</u>
1 ½ inch meter	154.54 <u>160.72</u>	<u>167.15</u>	<u>173.84</u>	<u>180.79</u>
2 inch meter	263.56 <u>274.10</u>	<u>285.06</u>	<u>296.46</u>	<u>308.32</u>
3 inch meter	601.63 <u>625.70</u>	<u>650.73</u>	<u>676.76</u>	<u>703.83</u>
4 inch meter	1,068.92 <u>1,111.68</u>	<u>1,156.15</u>	<u>1202.40</u>	<u>1,250.50</u>
6 inch meter	2,393.22 <u>2,488.95</u>	<u>2,588.51</u>	<u>2692.05</u>	<u>2,799.73</u>
8 inch meter	4,264.24 <u>4,434.81</u>	<u>4,612.20</u>	<u>4796.69</u>	<u>4,988.56</u>
10 inch meter	6,651.81 <u>6,917.88</u>	<u>7,194.60</u>	<u>7482.38</u>	<u>7,781.68</u>
12 inch meter	9,584.17 <u>9,967.54</u>	<u>10,366.24</u>	<u>10,780.89</u>	<u>11,212.13</u>
Unmetered Monthly Rate Per Single Family Residential Dwelling Unit	49.52 <u>51.50</u>	<u>53.56</u>	<u>55.70</u>	<u>57.93</u>

Chapter 17, Article 2, Division 4 at Section 17-21(d) (previously codified at Chapter 17, Article 10, Sec. 17-81) of the South Bend Municipal Code is hereby added to read in its entirety as follows:

(d) Sewer main line; assessment of charges inside and outside City.

For wastewater collection service rendered to customers whose connection is located outside the corporate limits of the City of South Bend, a fourteen (14%) surcharge from January 1, 2019 and beyond shall be added to the total amount billed. Notwithstanding the above, an Indiana municipality or special district organized under the laws of Indiana that is subject to this Section 17-81, who have adopted sewer rates under either IC 36-9-23 or IC 13-26-11 for the purpose of providing such sewer service, shall be qualified for a credit in the amount fourteen percent (14%) in 2019 and beyond.

Chapter 17, Article 10, Section 17-81 of the South Bend Municipal Code is hereby deleted in its entirety:

~~Sec. 17-81. -- Sewer main line; assessment of installation charges inside and outside City.~~

~~For wastewater collection service rendered to customers whose connection is located outside the corporate limits of the City of South Bend, a surcharge of 0, five percent (5%) surcharge will be charged from January 1, 2017 through December 31, 2017, a ten percent (10%) surcharge from January 1, 2018 through December 31, 2018 and a fourteen (14%) surcharge from January 1, 2019 and beyond shall be added to the total amount billed. Notwithstanding the above, an Indiana municipality or special district organized under the laws of Indiana that is subject to this Section 17-81, who have adopted sewer rates under either IC 36-9-23 or IC 13-26-11 for the purpose of providing such sewer service, shall be qualified for a credit in the amount of five percent (5%) from January 1, 2017 through December 31, 2017, ten percent (10%) from January 1, 2018 through December 31, 2018 and fourteen percent (14%) in 2019 and beyond.~~

SECTION III: WATER

Chapter 17, Article 4, Section 17-45 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 17-45. Water Works rates and charges.

There shall be and are hereby established for the use of and the services rendered by the Water Works System of the City of South Bend, the following rates and charges, based upon the use of water and facilities furnished by said Water Works System:

(a)	<i>Usage per Monthly Billing Period</i>	<i>Rate per 100 Cubic Feet (upon effective date)</i>	<i>Rate per 100 Cubic Feet (12 months after effective date)</i>
	First 500 cubic feet	\$2.094 <u>\$ 2.643</u>	\$2.554 <u>\$2.750</u>
	Next 1,500 cubic feet	1.818 <u>2.296</u>	2.218 <u>2.388</u>
	Next 5,500 cubic feet	1.598 <u>2.018</u>	1.950 <u>2.099</u>
	Next 22,500 cubic feet	1.407 <u>1.776</u>	1.716 <u>1.847</u>
	Next 90,000 cubic feet	1.104 <u>1.394</u>	1.347 <u>1.450</u>
	Over 120,000 cubic feet	0.855 <u>1.080</u>	1.043 <u>1.123</u>

(b)	<i>Minimum Charge: Meter Size</i>	<i>Allowed Usage (in per 100 cubic feet)</i>	<i>Minimum Monthly (upon effective date)</i>	<i>Minimum Monthly (12 months after effective date)</i>
	5/8-inch meter	452 <u>4.52</u>	\$9.46 <u>\$11.94</u>	\$11.54 <u>\$12.42</u>
	3/4-inch meter	675 <u>6.75</u>	13.65 <u>17.23</u>	16.65 <u>17.93</u>
	1-inch meter	1,260 <u>12.60</u>	24.28 <u>30.67</u>	29.63 <u>31.90</u>
	1½-inch meter	3,053 <u>30.53</u>	54.56 <u>68.90</u>	66.57 <u>71.67</u>
	2-inch meter	5,711 <u>57.11</u>	97.04 <u>122.53</u>	118.39 <u>127.46</u>

	3-inch meter	14,090 <u>140.90</u>	218.33 <u>275.69</u>	266.37 <u>286.77</u>
	4-inch meter	26,163 <u>261.63</u>	388.16 <u>490.14</u>	473.56 <u>509.83</u>
	6-inch meter	69,073 <u>690.73</u>	873.54 <u>1,103.02</u>	1,065.72 <u>1,147.35</u>
	8-inch meter	133,701 <u>1,337.01</u>	1,553.00 <u>1,960.97</u>	1,894.66 <u>2,039.78</u>
	10-inch meter	235,781 <u>2,357.81</u>	2,426.01 <u>3,063.32</u>	2,959.73 <u>3,186.43</u>
	12-inch meter	360,542 <u>3,605.42</u>	3,492.99 <u>4,410.60</u>	4,261.45 <u>4,587.86</u>

(c) *Computation of charges.* Metered water charges shall be the larger of the minimum charges of subsection (b) or the rate charges of subsection (a) of this section. In the case of multiple meters under a single billing entity, the charges shall be computed for each meter separately, not the summation of usage.

(d) *Monthly public fire protection charges.* All customers located within the corporate limits and all customers outside the corporate limits and located within one thousand (1,000) feet of a public fire hydrant shall also pay a monthly public fire protection charge based upon the size of the customer's meter as follows:

	<i>Upon Effective Date</i>	<i>12 Months After Effective Date</i>
5/8-inch connection	2.75 <u>3.47</u>	3.35 <u>3.61</u>
3/4-inch connection	2.75 <u>3.47</u>	3.35 <u>3.61</u>
1-inch connection	7.04 <u>8.89</u>	8.59 <u>9.25</u>
1 1/2-inch connection	15.84 <u>20.00</u>	19.32 <u>20.80</u>
2-inch connection	28.13 <u>35.52</u>	34.32 <u>36.95</u>
3-inch connection	63.32 <u>79.95</u>	77.25 <u>83.17</u>
4-inch connection	112.58 <u>142.16</u>	137.35 <u>147.87</u>
6-inch connection	253.30 <u>319.84</u>	309.02 <u>332.69</u>
8-inch connection	450.28 <u>568.57</u>	549.34 <u>591.42</u>
10-inch connection	703.57 <u>888.40</u>	858.36 <u>924.11</u>

(e) Private Fire Protection Service, Automatic Sprinkler. , ~~per annum.~~

	<i>Upon Effective Date</i>	<i>12 Months After Effective Date</i>
1-inch connection	43.46 <u>4.57</u>	53.02 4.76
2-inch connection	87.56 <u>9.21</u>	106.82 <u>9.58</u>
3-inch connection	175.11 <u>18.42</u>	213.63 <u>19.16</u>
4-inch connection	349.90 <u>36.81</u>	426.87 <u>38.30</u>
6-inch connection	433.78 <u>45.64</u>	529.22 <u>47.48</u>
8-inch connection	744.93 <u>78.39</u>	908.82 <u>81.54</u>
10-inch connection	1,164.34 <u>122.52</u>	1,420.50 <u>127.45</u>
12-inch connection	1,678.70 <u>176.64</u>	2,048.01 <u>183.74</u>

SECTION IV: STORM WATER

The title of **Chapter 17, Article 14, and Section 17-128** of that Chapter and Article of the South Bend Municipal Code are hereby amended to read as follows:

ARTICLE 14. ~~INTERIM~~ STORM WATER UTILITY RATES

Sec. 17-128 Storm water user fees.

The specific storm water fees that follow are set for the purpose of providing repairs, replacements and miscellaneous services related to storm water flows and to provide future improvements and capital needs of the City of South Bend's storm water system:

(a) The storm water user fee for residential users for each tax parcel of real estate shall be a flat fee at the rate of two dollars per month (\$2.00) per active utility customer account based on the schedule below.

(b) The storm water user fee for non-residential users shall be based on impervious surface area for each parcel at the rate of five dollars (\$5.00) per month per active utility customer account.

The impervious area based method of storm water utility rates is the best indicator of the amount of stormwater runoff, therefore it is considered the most defensible, fair, and equitable for rate payers.

All non-residential parcels in the city have been grouped into five tiers based on similar impervious areas as follows:

Tier 1: 1 – 5,000 sq.ft
Tier 2: 5,001 – 40,000 sq.ft
Tier 3: 40,001 – 100,000 sq.ft
Tier 4: 100,001 – 200,000 sq.ft
Tier 5: Greater than 200,000 sq.ft

- (c) There shall be no exceptions or exemptions from the assessment of storm water user fees for a particular type or classification of real estate parcels within the corporate boundaries of the City of South Bend, Indiana.

(d)	<u>Monthly Rates</u>			
	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
<u>Residential</u>	<u>\$2.00</u>	<u>\$2.25 \$2.00</u>	<u>\$2.50 \$2.25</u>	<u>\$2.50</u>
<u>Non-Residential Tier 1</u>	<u>\$5.00</u>	<u>\$6.00</u>	<u>\$7.00</u>	<u>\$8.00</u>
<u>Non-Residential Tier 2</u>	<u>\$8.00</u>	<u>\$10.00</u>	<u>\$12.00</u>	<u>\$14.00</u>
<u>Non-Residential Tier 3</u>	<u>\$10.00</u>	<u>\$14.00</u>	<u>\$18.00</u>	<u>\$22.00</u>
<u>Non-Residential Tier 4</u>	<u>\$16.00</u>	<u>\$22.00</u>	<u>\$28.00</u>	<u>\$34.00</u>
<u>Non-Residential Tier 5</u>	<u>\$20.00</u>	<u>\$35.00</u>	<u>\$50.00</u>	<u>\$65.00</u>

SECTION V: CUSTOMER ASSISTANCE PROGRAM

Chapter 17, Article 15, Section 17-130 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 17-130. - Findings and purpose.

In order to address the public health obligation to provide affordable water and sewer services to low-income customers, while still maintaining sustainable finances, the City of South Bend will implement a rate-payer funded Low Income Customer Assistance Program (LICAP). A charge shall be assessed against every City of South Bend sewer rate-payer in order to provide a LICAP credit for qualifying low-income non-industrial sewer customers. ~~The LICAP credit will vary based on income levels, as defined by the State of Indiana Energy Assistance Program ("EAP").~~ Qualification and verification shall be performed by members of the City's staff or a local community action partners, ~~as determined by the City.~~ The credit shall be applied for a period of twelve (12) months with annual renewal ~~required~~ possible. This charge is deemed reasonable and necessary for its intended purpose. The rates established in this Article shall remain effective until replaced, amended, or repealed by the South Bend Common Council.

Chapter 17, Article 15, Section 17-131 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 17-131. - Definitions.

Unless otherwise defined in this Ordinance, the terms and phrases shall be defined as follows:

- (a) *City* means the City of South Bend, Indiana.
- (b) *Customer* means the owner or tenant of a single-unit residential property or a multi-unit residential property up to four (4) units, in whose name the bill for wastewater charges for such property is issued by the City.
- (c) *Low-Income Customer Assistance Program Credit* means the credit for wastewater charges provided under Sec. 17-133 ~~Section I~~ of this ~~Ordinance~~ Article.
- (d) *Eligible Low-Income Customer Assistance Program Customer* means an eligible customer as defined in Sec. 17-134 ~~Section I~~ of this ~~Ordinance~~ Article.
- (e) *Multi-Unit Residential Property* means property used only for human residency which consists of no more than four (4) dwelling units with each one occupied as a primary residence by a single person or single family.
- (f) *Single-Unit Residential Property* means property used only for human residency which consists of a single dwelling unit occupied as a primary residence by a single person or single family.

(g) *Wastewater Charges* means the wastewater user charges established by City Ordinance for use of its wastewater system.

Chapter 17, Article 15, Section 17-132 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 17-132. - Sewer Charge.

The sewer charge fee is set for the purpose of offsetting the LICAP Credit. The sewer charge fee shall be One Dollar and Seventy-Five Cents (\$1.75) per Month charged through December 31, 2022, One Dollar and Eighty-Nine Cents (\$1.89) per month charged from January 1, 2023 through December 31, 2023, Two Dollars and Three Cents (\$2.03) per month charged from January 1, 2024 through December 31, 2024, and Two Dollars and Eighteen Cents (\$2.18) per month charged from January 1, 2025 and beyond per wastewater Customer account. This charge will be reviewed on the same basis as all other rates and charges in this Chapter.

Chapter 17, Article 15, Section 17-133 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 17-133. - Low-Income Customer Assistance Program Credit.

A LICAP credit shall be available to Eligible Customers of the City who are billed for wastewater charges as provided for in this Ordinance effective January 1, 2022. The current LICAP credits shall remain in effect until the new rates are established on January 1, 2022. The amount of such credit will be applied for the applicable billing cycle as follows:

Percentage of the 60% of State of Indiana Median Household Income (MHI)*	Credit Amount
100% of the 60% of Indiana MHI	\$10 + \$1.75 = \$11.75
75% of the 60% of Indiana MHI	\$14 + \$1.75 = \$15.75
50% of the 60% of Indiana MHI	\$19 + \$1.75 = \$20.75

~~*As determined under Indiana's Energy Assistance Program.~~

<u>Income Eligibility Cutoffs as a Percentage of Area Median Income (AMI)*</u>	<u>Credit Amount</u>
<u>≥60%-80% of AMI</u>	<u>\$8.00</u>
<u>≥45%-60% of AMI</u>	<u>\$14.25</u>
<u>≥30%-45% of AMI</u>	<u>\$19.25</u>
<u>≥0%-30% of AMI</u>	<u>\$25.50</u>

* Area Median Income means the **median income** for the South Bend – Mishawaka IN HUD Metro Area as adjusted for family size and as determined annually by the United States Department of Housing and Urban Development (HUD).

Chapter 17, Article 15, Section 17-134 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 17-134. – Eligible Customer.

In order for a Customer to be eligible, the Customer must satisfy each of the following criteria:

- (a) Must own or occupy as a primary residence a Single-Unit Residential Property or a Multi-Unit Residential Property and receive a bill in his or her name for wastewater charges from the City for service to such Residential Property.
- (b) Customer's annual gross-household income must be at or below the levels established in above Sec. 17-133. ~~for assistance from the State of Indiana's Energy Assistance Program (EAP).~~

Chapter 17, Article 15, Section 17-135 of the South Bend Municipal Code is hereby amended to read in its entirety as follows:

Sec. 17-135. – Application Procedure.

- (a) A Customer seeking assistance from the City's LICAP must complete an application and return the application, along with any requested ~~all required~~ supporting documentation, to the ~~local EAP service provider for St. Joseph County, Indiana~~ City of South Bend.
- ~~(b) A Customer approved for the EAP Program will be considered as an Eligible Customer and will receive a LICAP Credit on their wastewater service bill.~~
- ~~(c) Eligible Customers will receive the LICAP Credit for a period of twelve (12) months. concurrent with the local EAP service provider application period.~~
- ~~(d)(c) In order to re-enroll in LICAP, (The Customer must annually complete either an attestation that their address, household income, and number of household members have not changed or a new application in the event that an applicant's address, household income, or number of household members have changed. each year with the local EAP service provider to establish continuing eligibility for the program.~~

Chapter 17, Article 15, Section 17-136 of the South Bend Municipal Code is hereby deleted in its entirety as follows:

~~Sec. 17-136. Review of Denial of Eligibility.~~

~~A Customer who has been determined to be ineligible for the State EAP may request administrative review of the denial with the local EAP service provider.~~

Chapter 17, Article 15, Section 17-137 of the South Bend Municipal Code is hereby amended in its entirety as follows:

Sec. 17-1376. – Rules and Regulations and Termination of Program.

The City shall promulgate such rules, regulations, written policy, forms and other documentation as deemed necessary to effectuate the LICAP. The City reserves the right to discontinue the LICAP upon a determination that the costs of the Program have become prohibitive; ~~the services of a State EAP local service provider have become unavailable to perform Customer eligibility verification;~~ or the City otherwise determines that it is in the best interest of the City to discontinue the LICAP.

Chapter 17, Article 15, Section 17-138 and 17-139 of the South Bend Municipal Code are hereby amended as follows:

Secs. 17-1387 and 17-1398 Reserved.

SECTION VI. The terms and provisions of this Ordinance are hereby determined to be severable; the invalidity or unenforceability of any section, sentence, clause, term, or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, term, or provision of this Ordinance which can be given meaning without such invalid part or parts.

SECTION VII. This Ordinance shall be in full force and effect after adoption by the Common Council, approval by the Mayor, and any publication required by law, with an effective date of _____, 2021

Passed on August 9, 2021, by the Common Council of the City of South Bend, Indiana.
Presented to approve and signed by Mayor James Mueller on August 10, 2021.
Approved: Karen L. White, President of the Common Council
Dawn M. Jones, City Clerk