

ORDINANCE NO. 03-22

AN ORDINANCE OF THE CITY OF WEST LAFAYETTE, INDIANA
AMENDING THE WEST LAFAYETTE CITY CODE RELATING TO THE
RATES AND CHARGES OF THE SEWAGE WORKS OF THE CITY

WHEREAS, the City of West Lafayette, Indiana (the "City") has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the "Act"), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and

WHEREAS, O.W. Krohn & Associates, LLP, municipal advisor to the City, has prepared a rate report concerning the current rates and charges of the sewage works (the "Report"); and

WHEREAS, based upon the Report, the Common Council of the City (the "Council") finds that the current rates and charges for the use of and service rendered by the sewage works do not produce sufficient revenues to pay all the legal and necessary expenses incident to the operation of such sewage works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the sewage works, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and

WHEREAS, based upon the Report, the Council finds that the current rates and charges of the sewage works as set forth in the West Lafayette City Code (the "City Code") do not produce an income sufficient to maintain the sewage works property in a sound physical and financial condition to render adequate and efficient service; and

WHEREAS, the Council finds that the current rates and charges for the use of and service rendered by the sewage works must be increased in order to provide sufficient revenue to meet such requirements; and

WHEREAS, the Council finds that the rates and charges of the sewage works should be increased in phases as herein provided; and

WHEREAS, the Council finds that the rates and charges set forth herein are based upon the cost of providing service to the customers of the sewage works and will enable the City to meet its legal revenue requirements for the sewage works; and

WHEREAS, the Council has caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and has held a public hearing thereon, all pursuant to the Act;

NOW THEREFORE, be it ordained by the Common Council of the City of West Lafayette, Indiana that:

Section 1. Section 40-236(a) and Section 40-236(b) of the City Code are hereby amended and restated to read as follows:

“(a) \$6.74 per 1,000 gallons for service rendered up to and including December 31, 2022. For service rendered after December 31, 2022 and up to and including December 31, 2023, \$6.94 per 1,000 gallons. For service rendered after December 31, 2023 and up to and including December 31, 2024, \$7.08 per 1,000 gallons. For service rendered after December 31, 2024 and up to and including December 31, 2025, \$7.22 per 1,000 gallons. For service rendered after December 31, 2025, \$7.36 per 1,000 gallons.

(b) The water usage schedule on which the amount of rates and charges shall be determined for Purdue University is as follows:

- (1) A billing charge of \$5.17 per month plus a usage charge of \$6.42 per 1,000 gallons for service rendered up to and including December 31, 2022.
- (2) For service rendered after December 31, 2022 and up to and including December 31, 2023, a billing charge of \$5.33 per month plus a usage charge of \$6.61 per 1,000 gallons.
- (3) For service rendered after December 31, 2023 and up to and including December 31, 2024, a billing charge of \$5.44 per month plus a usage charge of \$6.74 per 1,000 gallons.
- (4) For service rendered after December 31, 2024 and up to and including December 31, 2025, a billing charge of \$5.55 per month plus a usage charge of \$6.87 per 1,000 gallons.
- (5) For service rendered after December 31, 2025, a billing charge of \$5.66 per month plus a usage charge of \$7.01 per 1,000 gallons.”

Section 2. Section 40-237 of the City Code is hereby amended and restated to read as follows:

“Sec. 40-237. - CSO Surcharge.

In addition to all other charges for the use and service rendered by the sewage works, there shall be charged to each property owner that is connected to the city’s sewage works system or otherwise discharges wastewater, sanitary sewage, industrial waste, water or other liquid, either directly or indirectly into the sewage works system of the city, a monthly combined sewer overflow (“CSO”) surcharge to cover costs of addressing combined sewer overflow improvements to the sewage works. The CSO surcharge shall be charged on a monthly basis per equivalent dwelling unit (“EDU”), based upon the size of the water meter as follows:

Meter Size	EDUs	<u>Monthly CSO</u>	<u>Monthly CSO</u>	<u>Monthly CSO</u>	<u>Monthly CSO</u>	<u>Monthly CSO</u>
		<u>Surcharge</u>	<u>Surcharge Effective</u>	<u>Surcharge Effective</u>	<u>Surcharge Effective</u>	<u>Surcharge Effective</u>
		<u>Effective up</u>	<u>01/01/2023 to</u>	<u>01/01/2024 to</u>	<u>01/01/2025 to</u>	<u>01/01/2026 and</u>
		<u>to 12/31/2022</u>	<u>12/31/2023</u>	<u>12/31/2024</u>	<u>12/31/2025</u>	<u>thereafter</u>
5/8 inch or 3/4 inch	1.0	\$ 10.80	\$ 11.12	\$ 11.34	\$ 11.57	\$ 11.80
1 inch	2.5	27.00	27.80	28.35	28.93	29.50
1 1/4 inch	4.0	43.20	44.48	45.36	46.28	47.20
1 1/2 inch	5.8	62.64	64.50	65.77	67.11	68.44

2 inch	10.0	108.00	111.20	113.40	115.70	118.00
3 inch	23.0	248.40	255.76	260.82	266.11	271.40
4 inch	40.0	432.00	444.80	453.60	462.80	472.00
6 inch	91.0	982.80	1,011.92	1,031.94	1,052.87	1,073.80
8 inch	161.8	1,747.44	1,799.22	1,834.81	1,872.03	1,909.24
10 inch	252.8	2,730.24	2,811.14	2,866.75	2,924.90	2,983.04
12 inch	364.0	3,931.20	4,047.68	4,127.76	4,211.48	4,295.20

With respect to multi-family residential apartments only, each individual apartment unit shall constitute .66 EDUs.”

Section 3. The section of the Table of Fees in Section 12-1 which references 40-236(a) relating to Sewer monthly usage rate is hereby amended and restated as follows:

“40-236(a) Sewer monthly usage rate	\$6.74 (per 1,000 gallons of water; for service through 12/31/2022)
	\$6.94 (per 1,000 gallons of water; for service from 01/01/2023 through 12/31/2023)
	\$7.08 (per 1,000 gallons of water; for service from 01/01/2024 through 12/31/2024)
	\$7.22 (per 1,000 gallons of water; for service from 01/01/2025 through 12/31/2025)
	\$7.36 (per 1,000 gallons of water; for service from 01/01/2025 and thereafter)”

Section 4. The section of the Table of Fees in Section 12-1 which references 40-236(b)(3) relating to Sewer monthly usage charge - Purdue is hereby amended and restated as follows:

“40-236(b)(3) Sewer monthly usage charge - Purdue	\$5.17 (for service through 12/31/2022)
	\$5.33 (for service from 01/01/2023 through 12/31/2023)
	\$5.44 (for service from 01/01/2024 through 12/31/2024)
	\$5.55 (for service from 01/01/2025 through 12/31/2025)
	\$5.66 (for service from 01/01/2025 and thereafter)”

Section 5. The section of the Table of Fees in Section 12-1 which references 40-236 relating to Sewer monthly usage rate - Purdue is hereby amended and restated as follows:

“40-236 Sewer monthly usage rate - Purdue	\$6.42 (per 1,000 gallons of water; for service through 12/31/2022)
	\$6.61 (per 1,000 gallons of water; for service from 01/01/2023 through 12/31/2023)
	\$6.74 (per 1,000 gallons of water; for service from 01/01/2024 through 12/31/2024)
	\$6.87 (per 1,000 gallons of water; for service from 01/01/2025 through 12/31/2025)
	\$7.01 (per 1,000 gallons of water; for service from 01/01/2025 and thereafter)”

Section 6. All ordinances and parts of ordinances, and all provisions of the City Code, in conflict herewith are hereby repealed.

Section 7. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

INTRODUCED ON FIRST READING ON THE 4 DAY OF January, 2022.


MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Thomas.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF February, 2022, HAVING BEEN PASSED BY A VOTE OF 9 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown	✓			
Bunder	✓			
DeBoer	✓			
Kang	✓			
Leverenz	✓			
Parker	✓			
Sanders	✓			
Thomas	✓			


Peter Bunder Presiding Officer

Attest:


Sana G. Booker, Clerk




PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 8 DAY OF February, 2022, AT THE HOUR OF 10:00 a.m.


Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 8 DAY OF February, 2022, AT THE HOUR OF 11:00 a.m.


John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk

