

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
BROWNSBURG, INDIANA AMENDING TITLE V, CHAPTER 52,
SECTION 52.71 OF THE TOWN OF BROWNSBURG CODE OF
ORDINANCES RELATING TO SEWERS AND SEWER RATES**

WHEREAS, the Town of Brownsburg (the "Town") has previously established, constructed and financed a municipal sewage works system for the purpose of providing for the collection, treatment and disposal of sewage and storm water in the Town (the "System"), and has previously authorized construction improvements to the System financed by the sale of bonds of the Town;

WHEREAS, the Town desires to sell additional bonds on parity with its outstanding bonds in order to finance the cost of additional improvements to the System;

WHEREAS, it is necessary to establish a revised schedule of rates to produce sufficient revenue to pay expenses of maintenance and operation of the System, to provide funds for necessary replacements and improvements to the System, and to pay the principal and interest on outstanding bonds and such proposed bonds in accordance with the ordinance authorizing such bonds;

WHEREAS, in order to have adequate bond coverage and to undertake the necessary replacements and improvements to the System, it will be necessary to increase the sewer rates and charges in five (5) phases across-the-board as set forth in Exhibit "A" attached hereto and incorporated herein comprised of: (1) Phase I, an increase as described in Exhibit "A" for the period beginning November 11, 2016 through June 30, 2017, inclusive; (2) Phase II, an increase as described in Exhibit "A" for the period beginning July 1, 2017 through June 30, 2018, inclusive; (3) Phase III, an increase as described in Exhibit "A" for the period beginning July 1, 2018 through June 30 2019, inclusive; (4) Phase IV, an increase described in Exhibit "A" for the period beginning July 1, 2019 through June 30, 2020, inclusive; and (5) Phase V, an increase described in Exhibit "A" for the period beginning July 1, 2020, and thereafter;

WHEREAS, the Town has prior to March 31, 2012 previously adopted different rates for outside Town users compared to inside Town users and has received approval of the rate differential from the Indiana Utility Regulatory Commission;

WHEREAS, the revised schedule of rates and charges as set forth in Exhibit "A" describe the percentage difference between rates and charges imposed on users of the sewage works for service to property located outside the Town corporate boundaries compared to property located within the Town corporate boundaries and explains such calculations;

WHEREAS, the Town will review the revised schedule of rates and charges as part of the Town's annual budgeting process and acknowledges that any reductions to the revised schedule of rates and charges that apply to the improvements of the System described herein will need to be approved by the Indiana Finance Authority State Revolving Fund Loan Program;

WHEREAS, the Town has previously established sewers and sewer rates, as set forth in Title V, Chapter 52, Section 52.71 of the Code of Ordinances of the Town of Brownsburg, Indiana; and

WHEREAS, the Town Council desires that Title V, Chapter 52, Section 52.71 Code of Ordinances of the Town of Brownsburg, Indiana be amended and replaced to read as set forth and further described below.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BROWNSBURG, INDIANA AS FOLLOWS:

Section I. The foregoing Recitals are fully incorporated herein by reference.

Section II. Section 52.71 of Title V, Chapter 52 of the Brownsburg Town Code is hereby amended and replaced and shall read as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

Section III. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section IV. This Ordinance shall be in full force and effect immediately upon its passage.

Section V. This Ordinance is hereby passed by the Town Council for the Town of Brownsburg, Indiana this 10th day of November, 2016 and shall be effective following any publications required by Indiana law.

**TOWN OF BROWNSBURG
TOWN COUNCIL**

By: _____

Ashley Bacsu
Ashley Bacsu, President

Attest:

Ann R. Hathaway
Ann Hathaway, Clerk-Treasurer

Exhibit "A"
NEW TITLE V, CHAPTER 52, SECTION 52.71

Brownsburg, Indiana Code of Ordinances

§ 52.71 DETERMINATION OF RATES.

For the use of and the services rendered by the 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 Town's sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town. Rates and charges include user charges, debt service costs, excessive strength surcharges, outside Town surcharges and other service charges, which rates and charges shall be payable as provided in this chapter and shall be in an amount determinable as follows:

(A) *For the period beginning November 1, 2010, through November 10, 2016, inclusive.*

(1) *Metered water users.* 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. 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). Users located outside of the corporate limits of the Town shall be subject to an additional surcharge as set forth below. The water usage schedule on which the amount of the rates and charges shall be determined is as follows for all users:

(a) Treatment rate per one thousand (1,000) gallons of usage per month:

<i>Total Treatment Rate</i>
\$4.19 plus the base rate

(b) Base rate per month, as follows:

<i>Base Rate (water meter size in inches)</i>	<i>User Charge</i>	<i>Outside Town Surcharge</i>	<i>Total Base Rate</i>		<i>% difference between Inside Town and Outside Town (based on monthly base charge and zero (0) gallons of use)</i>
			<i>Inside Town</i>	<i>Outside Town</i>	
5/8 - 3/4	\$8.30	\$4.45	\$8.30	\$12.75	53.61%
1	19.00	11.10	19.00	30.10	58.42%
1¼	29.60	17.80	29.60	47.40	60.14%
1½	42.40	25.80	42.40	68.20	60.85%

2	72.20	44.50	72.20	116.70	61.63%
3	164.50	102.40	164.50	266.90	62.25%
4	285.20	178.00	285.20	463.20	62.41%
6	647.30	405.00	647.30	1,052.30	62.57%
8	1,151.40	720.90	1,151.40	1,872.30	62.61%

(2) *Unmetered water users.* For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which rates and charges shall be determined is as follows:

	<i>Outside Town Surcharge</i>	<i>Total Monthly Rate</i>	
		<i>Inside Town</i>	<i>Outside Town</i>
Residential: Single-family residence/unit	\$4.45	\$30.80	\$35.25

Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the Town, on an individual basis, by applying the above metered rates to estimated usage, meter size and user location.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring; but not less than twenty-five dollars (\$25) per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(B) *For the period beginning November 11, 2016, through June 30, 2017, inclusive.*

(1) *Metered water users.* 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. 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). Users located outside of the corporate limits of the Town shall be subject to an additional surcharge as set forth below. The water usage schedule on

which the amount of the rates and charges shall be determined is as follows for all users:

(a) Treatment rate per one thousand (1,000) gallons of usage per month:

Total Treatment Rate
\$4.64 plus the base rate

(b) Base rate per month, as follows:

<i>Base Rate (water meter size in inches)</i>	<i>User Charge</i>	<i>Outside Town Surcharge</i>	<i>Total Base Rate</i>		<i>% difference between Inside Town and Outside Town (based on monthly base charge and zero (0) gallons of use)</i>
			<i>Inside Town</i>	<i>Outside Town</i>	
5/8 - 3/4	\$9.20	\$4.95	\$9.20	\$14.15	53.80%
1	21.05	12.30	21.05	33.35	58.43%
1¼	32.75	19.70	32.75	52.45	60.15%
1½	46.95	28.55	46.95	75.50	60.81%
2	79.95	49.25	79.95	129.20	61.60%
3	182.10	113.35	182.10	295.45	62.25%
4	315.70	197.05	315.70	512.75	62.42%
6	716.55	448.35	716.55	1,164.90	62.57%
8	1,274.60	798.05	1,274.60	2,072.65	62.61%

(2) *Unmetered water users.* For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which rates and charges shall be determined is as follows:

	<i>Outside Town Surcharge</i>	<i>Total Monthly Rate</i>	
		<i>Inside Town</i>	<i>Outside Town</i>

Residential: Single-family residence/unit	\$4.95	\$34.10	\$39.05
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Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the Town, on an individual basis, by applying the above metered rates to estimated usage, meter size and user location.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring; but not less than twenty-five dollars (\$25) per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(C) For the period beginning July 1, 2017, through June 30, 2018, inclusive.

(1) *Metered water users.* 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. 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). Users located outside of the corporate limits of the Town shall be subject to an additional surcharge as set forth below. The water usage schedule on which the amount of the rates and charges shall be determined is as follows for all users:

(a) Treatment rate per one thousand (1,000) gallons of usage per month:

Total Treatment Rate
\$4.98 plus the base rate

(b) Base rate per month, as follows:

Base Rate (water meter size in inches)	User Charge	Outside Town Surcharge	Total Base Rate		% difference between Inside Town and Outside Town (based on monthly base charge and zero (0) gallons of use)
			Inside Town	Outside Town	
5/8 - 3/4	\$9.90	\$5.30	\$9.90	\$15.20	53.54%
1	22.60	13.20	22.60	35.80	58.41%

1¼	35.15	21.15	35.15	56.30	60.17%
1½	50.40	30.65	50.40	81.05	60.81%
2	85.85	52.90	85.85	138.75	61.62%
3	195.60	121.75	195.60	317.35	62.24%
4	339.05	211.65	339.05	550.70	62.42%
6	769.55	481.55	769.55	1,251.10	62.58%
8	1,368.90	857.10	1,368.90	2,226.00	62.61%

(2) *Unmetered water users.* For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which rates and charges shall be determined is as follows:

	<i>Outside Town Surcharge</i>	<i>Total Monthly Rate</i>	
		<i>Inside Town</i>	<i>Outside Town</i>
Residential: Single-family residence/unit	\$5.30	\$36.60	\$41.90

Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the Town, on an individual basis, by applying the above metered rates to estimated usage, meter size and user location.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring; but not less than twenty-five dollars (\$25) per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(D) *For the period beginning July 1, 2018, through June 30, 2019, inclusive.*

(1) *Metered water users.* 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. 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). Users located outside of the corporate limits of the Town shall be subject to an additional surcharge as set forth below. The water usage schedule on which the amount of the rates and charges shall be determined is as follows for all users:

(a) Treatment rate per one thousand (1,000) gallons of usage per month:

Total Treatment Rate
\$5.47 plus the base rate

(b) Base rate per month, as follows:

<i>Base Rate (water meter size in inches)</i>	<i>User Charge</i>	<i>Outside Town Surcharge</i>	<i>Total Base Rate</i>		<i>% difference between Inside Town and Outside Town (based on monthly base charge and zero (0) gallons of use)</i>
			<i>Inside Town</i>	<i>Outside Town</i>	
5/8 - 3/4	\$10.85	\$5.80	\$10.85	\$16.65	53.46%
1	24.80	14.50	24.80	39.30	58.47%
1¼	38.60	23.20	38.60	61.80	60.10%
1½	55.35	33.65	55.35	89.00	60.79%
2	94.25	58.10	94.25	152.35	61.64%
3	214.75	133.70	214.75	348.45	62.26%
4	372.30	232.40	372.30	604.70	62.42%
6	844.95	528.75	844.95	1,373.70	62.58%
8	1,503.05	941.10	1,503.05	2,444.15	62.61%

(2) *Unmetered water users.* For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which rates and charges shall be determined is as follows:

	<i>Outside Town Surcharge</i>	<i>Total Monthly Rate</i>	
		<i>Inside Town</i>	<i>Outside Town</i>
Residential: Single-family residence/unit	\$5.80	\$40.20	\$46.00

Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the Town, on an individual basis, by applying the above metered rates to estimated usage, meter size and user location.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring; but not less than twenty-five dollars (\$25) per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(E) *For the period beginning July 1, 2019 through June 30, 2020, inclusive.*

(1) *Metered water users.* 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. 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). Users located outside of the corporate limits of the Town shall be subject to an additional surcharge as set forth below. The water usage schedule on which the amount of the rates and charges shall be determined is as follows for all users:

(a) Treatment rate per one thousand (1,000) gallons of usage per month:

<i>Total Treatment Rate</i>
\$6.04 plus the base rate

(b) Base rate per month, as follows:

<i>Base Rate (water meter size in inches)</i>	<i>User Charge</i>	<i>Outside Town Surcharge</i>	<i>Total Base Rate</i>		<i>% difference between Inside Town and Outside Town (based on monthly base charge and zero (0) gallons of use)</i>
			<i>Inside Town</i>	<i>Outside Town</i>	

5/8 - 3/4	\$12.00	\$6.40	\$12.00	\$18.40	53.33%
1	27.40	16.00	27.40	43.40	58.39%
1¼	42.65	25.65	42.65	68.30	60.14%
1½	61.15	37.20	61.15	98.35	60.83%
2	104.15	64.20	104.15	168.35	61.64%
3	237.30	147.75	237.30	385.05	62.26%
4	411.40	256.80	411.40	668.20	62.42%
6	933.65	584.25	933.65	1,517.90	62.58%
8	1,660.85	1,039.90	1,660.85	2,700.75	62.61%

(2) *Unmetered water users.* For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which rates and charges shall be determined is as follows:

	<i>Outside Town Surcharge</i>	<i>Total Monthly Rate</i>	
		<i>Inside Town</i>	<i>Outside Town</i>
Residential: Single-family residence/unit	\$6.40	\$44.40	\$50.80

Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the Town, on an individual basis, by applying the above metered rates to estimated usage, meter size and user location.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring; but not less than twenty-five dollars (\$25) per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(F) *For the period beginning July 1, 2020, and thereafter.*

(1) *Metered water users.* 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. 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). Users located outside of the corporate limits of the Town shall be subject to an additional surcharge as set forth below. The water usage schedule on which the amount of the rates and charges shall be determined is as follows for all users:

(a) Treatment rate per one thousand (1,000) gallons of usage per month:

Total Treatment Rate
\$6.16 plus the base rate

(b) Base rate per month, as follows:

<i>Base Rate (water meter size in inches)</i>	<i>User Charge</i>	<i>Outside Town Surcharge</i>	<i>Total Base Rate</i>		<i>% difference between Inside Town and Outside Town (based on monthly base charge and zero (0) gallons of use)</i>
			<i>Inside Town</i>	<i>Outside Town</i>	
5/8 - 3/4	\$12.25	\$6.55	\$12.25	\$18.80	53.47%
1	27.95	16.30	27.95	44.25	58.32%
1¼	43.50	26.15	43.50	69.65	60.11%
1½	62.35	37.95	62.35	100.30	60.87%
2	106.25	65.50	106.25	171.75	61.65%
3	242.05	150.70	242.05	392.75	62.26%
4	419.65	261.95	419.65	681.60	62.42%
6	952.30	595.95	952.30	1,548.25	62.58%
8	1,694.05	1,060.70	1,694.05	2,754.75	62.61%

(2) *Unmetered water users.* For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills

shall be rendered once each month (or period equaling a month). The schedule on which rates and charges shall be determined is as follows:

	<i>Outside Town Surcharge</i>	<i>Total Monthly Rate</i>	
		<i>Inside Town</i>	<i>Outside Town</i>
Residential: Single-family residence/unit	\$6.55	\$45.30	\$51.85

Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the Town; on an individual basis, by applying the above metered rates to estimated usage, meter size and user location.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring; but not less than twenty-five dollars (\$25) per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(G) In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of stronger-than-normal domestic sewage, and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sewage system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the sewer use ordinance, available to the Town at all times.

(1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of two hundred (200) milligrams per liter of fluid or suspended solids in excess of two hundred (200) milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(a) Rate surcharge based upon suspended solids. There shall be an additional charge of forty-seven cents (\$0.47) per pound of suspended solids for suspended solids in excess of two hundred (200) milligrams per liter of fluid.

(b) Rate surcharge based upon BOD. There shall be an additional charge of forty-seven cents (\$0.47) per pound of biochemical oxygen demand for BOD received in excess of two hundred (200) milligrams per liter of fluid.

(2) The determination of suspended solids and five-day (5-day) biochemical oxygen

demand contained in the waste shall be in accordance with the current edition of *Standard Methods for the Examination of Water, Sewage and Industrial Wastes*, as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.