

ORDINANCE NO. 2019-2

SEWER UTILITY ORDINANCE

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GENEVA, INDIANA AND ADDING SECTIONS 53.20, 53.21 AND 53.22 TO AND AMENDING CHAPTER 53 OF THE GENEVA TOWN CODE INCLUDING PROVISIONS REGARDING THE CHARGES TO BE COLLECTED FROM THE OWNERS OF THE PROPERTY SERVED BY THE TOWN OF GENEVA MUNICIPAL SEWAGE UTILITY AND THE BILLING AND ADJUSTMENTS TO BILLING THEREOF

WHEREAS, the Town Council of the Town of Geneva ("Town") heretofore enacted Ordinance No. 2013-11 providing for the establishment of a schedule of rates and charges to be collected by the Town from the owners of property served by the Geneva Municipal Sewage Utility; and

WHEREAS, Ordinance No. 1975-01 was amended by Ordinance No. 1980-03, and further amended by Ordinance No. 1983-06, and further amended by Ordinance No 1996-6, and further amended by Ordinance No. 1996-8, and further amended by Ordinance No. 2006-2, and further amended by Ordinance No. 2009-13, and further amended by Ordinance No. 2013-11; and last amended by Ordinance No. 2017-06; and

WHEREAS, the Common Council believes that adding Sections 53.20, 53.21 and 53.22 to Chapter 53 of the Geneva Town Code will better organize the provisions of the Code for better access, examination and analysis by the Town, its employees and citizens; and

NOW THEREFORE, BE IT RESOLVED AND ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF GENEVA, INDIANA THAT SECTIONS 53.20, 53.21 AND 53.22 BE ADDED TO CHAPTER 53 OF THE GENEVA TOWN CODE AS FOLLOWS:

Section 53.20 Sewer Usage, Customer Responsibility, Billing and Procedures.

There shall be and hereby are established for the use of and the service rendered by the Sewage Utility of the Town of Geneva, procedures, rates and charges wherein the owners of each and every lot, parcel of real estate, or building that is connected to the Sewer System shall be primarily responsible for payment thereof. Tenants and conditional sale contract purchasers may accept the responsibility for payment thereof by lease or contract with the owner. However, as the Town is not a party to such a lease or contract, the owner shall remain primarily responsible for payment to the Town of any and all charges for the Sewage Utility. The Town will send monthly sewer bills to the address on file with the Town. If a customer does not have home mail delivery or a post office box, then it is the customer's responsibility to pick up the monthly water bill at the Town Hall. The following rates and charges shall be based upon the amount of water supplied during each monthly billing period:

- (A) There shall be a sewage tap charge of the cost of labor, material and equipment for connection, but with a minimum of \$500.00.

(B) 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 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 services, the water meters shall be read monthly and the users shall be billed each month (or periods equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined shall be as follows (rates and charges for customers Outside Corporate Town boundaries are approximately 14.9% higher than rates and charges for customers Inside Corporate Town boundaries):

TREATMENT RATE (per 1,000 gallons)

Inside Town Limits				
<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
(Effective 1/1/2018)	(Effective 1/1/2019)	(Effective 1/1/2020)	(Effective 1/1/2021)	(Effective 1/1/2022)
\$5.00	\$5.61	\$6.02	\$6.17	\$6.32
Outside Town Limits				
\$5.75	\$6.45	\$6.92	\$7.09	\$7.26

BASE RATE (per month)

<u>Meter Size</u>	Inside Town Limits				
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
	(Effective 1/1/2018)	(Effective 1/1/2019)	(Effective 1/1/2020)	(Effective 1/1/2021)	(Effective 1/1/2022)
5/8 – 3/4-inch	\$ 16.74	\$ 18.78	\$ 20.15	\$ 20.65	\$ 21.17
1-inch	39.76	44.61	47.87	49.07	50.30
1-1/2-inch	90.55	101.60	109.02	111.75	114.54
2-inch	154.91	173.81	186.50	191.16	195.94
3-inch	354.75	398.03	427.09	437.77	448.71
4-inch	631.23	708.24	759.94	778.94	798.41
6-inch	1,414.68	1,587.27	1,703.14	1,745.72	1,789.36
Outside Town Limits					
5/8 – 3/4-inch	\$ 19.23	\$ 21.58	\$ 23.15	\$ 23.73	\$ 24.32
1-inch	45.68	51.26	55.00	56.38	57.79
1-1/2-inch	104.04	116.74	125.26	128.40	131.61
2-inch	177.99	199.71	214.29	219.64	225.14
3-inch	407.61	457.34	490.73	503.00	515.57
4-inch	725.28	813.77	873.17	895.00	917.37
6-inch	1,625.47	1,823.77	1,956.91	2,005.83	2,055.97

NON-METERED USER (per month)

Inside Town Limits				
\$46.74	\$52.44	\$56.27	\$57.68	\$59.12

Outside Town Limits

\$53.70	\$60.25	\$64.65	\$66.27	\$67.93
---------	---------	---------	---------	---------

Section 53.21 Billing Cycle, Delinquency.

- (A) Usage Period. The usage period is the month or any part of the month during which sewer service is provided or is available to be provided to a customer of the utility or the month or part of the month that a customer's property is physically connected to Town's water system.
- (B) Reading Date. The Reading Date shall be the first work day of the month, on which date the Town of Geneva shall read the water meter at each customer's property.
- (C) Billing Date. The Billing Date upon which monthly sewer bills are sent to customers shall be the tenth (10th) day of the month in which the water meter is read, or if such date is on a weekend or legal holiday, then the first (1st) business day thereafter. The sewer bill shall be separately itemized on the same billing as the water bill.
- (D) Due Date. The Due Date shall be the 25th day of the month in which the sewage bill is sent. Each monthly bill will state the date the bill is due and the date after which the bill is considered delinquent and delinquent fees will be added. The total bill shall be due and payable without penalty by the close of business (4:00 p.m.) no later than the 25th day of the month in which the billing is sent. However, if the 25th day of the month is on a Saturday, Sunday or legal holiday, then the Due Date shall be on 4:00 p.m. on the first (1st) business day after such weekend or holiday.
- (E) Delinquent Date. The Delinquent Date shall be on and after 4:01 p.m. on the 25th day of the month. However, if the 25th day of the month is on a Saturday, Sunday or legal holiday, then the Delinquent Date shall be on and after 4:01 P.M. on the first (1st) business day after such weekend or holiday.
- (F) Penalties. A penalty of ten percent (10%) of the unpaid bill for sewage, trash, storm water and the first \$3.00 of water charges shall be assessed as of the Delinquent Date.
- (G) Delinquent Letter. If a monthly bill remains unpaid as of the Delinquent Date, then a Delinquent Letter shall be sent by regular U.S. Mail to the customer stating that the delinquent amount, with penalties, shall be paid on or before 4:00 p.m. on the seventh (7th) day after such Delinquent Letter is sent. However, if the Delinquent Letter Due Date is on a Saturday, Sunday or legal holiday, then the Delinquent Letter Due Date shall be on 4:00 p.m. on the first (1st) business day after such weekend or holiday.

(H) Water Service Disconnection (Hang Up Notice). Since the sewage rates and charges are based on the quantity of water used on or in the property or premises as the same is measured by the water meter in use, plus a base charge based on the size of the water meter installed, if a monthly bill, with penalty, remains unpaid at 4:01 p.m. on the Delinquent Letter Due Date, then the Town shall post upon the property upon which service was billed a disconnect notice along with an updated bill, including penalty, and said notice shall state that if the bill is not paid on or before the close of business (4:01 p.m.) two (2) days after the notice is posted, the Town shall disconnect water service or otherwise turn off the water service without further notice. However, if the second (2nd) day after the posting of the notice falls on a Friday, Saturday, Sunday or legal holiday, then the Town shall disconnect water service or otherwise turn off such service without further notice after 4:01 p.m. on the first (1st) business day after such weekend or holiday. There shall be a charge of \$25.00 added to the account upon the posting of the hang up disconnection notice. All water service subject to disconnection shall be disconnected by the Town utility personnel. Any customer water service that is disconnected for non-payment can only be reconnected after full payment is received plus the reconnection fee as set forth in Section 53.24 of Chapter 53.

(I) Filing of Sewage Lien. When unpaid sewage charges and penalties amount to \$300.00 or more, and no later than 20 days after the charges and penalties become 60 days delinquent, the Town shall send, by first class mail or by certified mail, return receipt requested, to the customer and owner a pre-lien letter pursuant to IC 36-9-23-32, giving 14 days for said account to be paid current in order to prevent a sewage lien being filed, and if said account is not paid current, then a lien shall be filed with the recorder of Adams County in the next month of April or October, whichever is earlier.

Section 53.22 Sewage Bill Adjustments.

A customer may apply to the Town for adjustment for an unusually high sewage bill caused by leaks in water lines or equipment on the customer's property that the customer could not reasonably have known about with normal diligence as approved by IC 8-1.5-3.5-4. The reason for providing a method for reducing these bills is to relieve possible unforeseen financial hardship on residents and businesses caused by lack of maintenance or a change in activity at the residence or business.

- (A) Adjustments to sewer bills may be considered when all of the following procedures and conditions are met:
- (1) Water use volume for the billing period is 200% of the previous 12 months' average usage history, or the previous full billing period if no history exists.
 - (2) If the cause of the unusually high bill is unknown, upon request by the

customer or owner, the Town will reread or data log the meter in order to ascertain whether data was properly recorded for the billing in question.

- (3) If the cause of the unusually high bill is found to be a leak, the customer must provide documentation that the leak has been repaired showing bills for materials required for the repair or documentation from a licensed plumber.
 - (4) The customer's account shall not be delinquent (with only the current period's usage billing owed). An approved payment plan agreed upon by customer and the Town does not constitute a delinquency.
- (B) If all of the procedures and conditions in section A are met, then the Town will give the customer a one time leak adjustment on the customer's highest bill by adjusting the sewage use charges to the average of the previous 3 months. However, the Town shall not grant to a customer more than 1 adjustment within a 12 month period.

Section 53.23 Irrigation Meters and Charges, Sprinkling Credit, Filling Swimming Pools.

At the request of a customer, the Town may install a second meter for the sole purpose of irrigation of lawns, landscaping and planting beds. The Town shall provide a meter at the cost to the Town plus 10% of such cost. The regular meter charge pursuant to Sections 52.02 and 52.03 shall be charged for the use of water through an irrigation meter, but there shall be no sewage charge levied thereon. For the billing months of July through October, for customers who sprinkle their lawns, but do not have a dedicated irrigation system, if the customer contacts the Town and requests a sprinkling credit prior to the use of water for sprinkling purposes, the Town will credit the customer's account by calculating the wastewater charge during such months at the three (3) month average (mean) wastewater billing during the previous months of January, February and March. For customers who intend to fill a swimming pool, if the customer contacts the Town and requests a credit prior to the use of water to fill said pool, the Town will credit the customer's account by calculating the wastewater charge during the month in which the pool is filled at the three (3) month average (mean) wastewater billing during the previous months of January, February and March.

Section 53.24 Reconnection Charge.

Any person, firm, corporation, partnership or association who shall hereafter request a reconnection into the Sanitary Sewer System of the Town shall pay a reconnection charge in the amount of \$40.00 prior to reconnection into the Sanitary Sewer System.

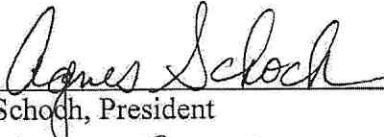
Section 53.25 Tampering With or Obstructing Meters.

Any customer or owner who tampers with or obstructs a water meter, or allows a water meter to be tampered with or obstructed, without authorization of the Town, will be subject to a charge of \$50.00 per occurrence, plus the costs of any repairs, plus the normal invoicing for the water, sewer and other charges for the use thereof, and shall further be subject to criminal prosecution therefor.

All ordinances and parts of ordinances in conflict herewith are hereby repealed, but all remaining provisions of Chapter 53 shall remain effective as set forth therein. This ordinance shall be effective upon passage.

Duly passed, adopted and resolved by the Board of Trustees of the Town of Geneva, State of Indiana, on April 9, 2019.

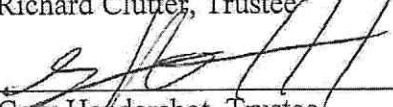
BOARD OF TRUSTEES OF THE TOWN OF GENEVA



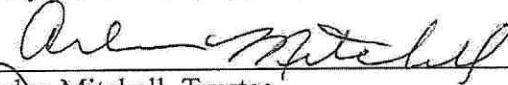
Agnes Schoch, President



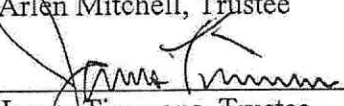
Richard Clutter, Trustee



Gary Hendershot, Trustee



Arlen Mitchell, Trustee



James Timmons, Trustee

ATTEST:



Jane Kaverman, Clerk-Treasurer