NOTICE OF PUBLIC HEARING ON PROPOSED SEWER RATES AND CHARGES BY THE TOWN OF BROOKVILLE, INDIANA

Property owners, ratepayers and other interested parties in or served or to be served by the sewage works of the Town of Brookville, Indiana ("Town") are hereby notified that the Town Council will hold a public hearing on February 9, 2021 at 7:00 p.m., local time at the Franklin County Public Library located at 919 Main Street, Brookville, Indiana, in order to receive public input on such proposed Ordinance and will consider adoption thereof at such time. The schedule of fees, which is more fully set forth in the following Ordinance and will be discussed at the February 9, 2021 hearing is as follows:

ORDINANCE NO. 2021-2

AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES OF THE TOWN OF BROOKVILLE PERTAINING TO THE RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE SEWAGE WORKS SYSTEM OF THE TOWN OF BROOKVILLE, INDIANA

WHEREAS, the Town of Brookville, Indiana (the "Town") has established, acquired, and financed its sewage works for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the Town; and

WHEREAS, the current rates and charges for the sewage works are set forth in and billed and collected by the Town pursuant to Ordinance No. 4-2015 (the "2015 Ordinance"), codified in Chapter 51 of the Town of Brookville Town Code of Ordinances, and adopted by the Town Council of the Town (the "Council"); and

WHEREAS, Baker Tilly, Certified Public Accountants and financial advisor to the Town, has prepared a rate report concerning the rates and charges of the sewage works (the "Report") as in effect pursuant to the 2015 Ordinance and Chapter 51; and

WHEREAS, based upon the Report, the Council finds that the current rates and charges for the use of and service rendered by the sewage works do not provide sufficient revenues to pay all the legal and necessary expenses incident to the operation of such sewage works, including, but not necessarily limited to, legal expenses, maintenance costs, operation charges, upkeep, repairs, interest charges on obligations of the sewage works, and to provide adequate funds to be funds to be used as working capital and funds for making extensions and replacements; and

WHEREAS, based upon the Report, the Council finds that the current rates and charges as enacted pursuant to Chapter 51 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 that it is necessary to adopt an Ordinance amending the rates and charges to reflect such increase in the rates of the sewage works; 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 Town to meet its legal revenue requirements for the sewage works; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Brookville, Indiana, that:

Section 1. Rates and Charges. Chapter 51, Section 51.075 of the Town of Brookville Town Code of Ordinances entitled "Methods of determination, minimums; measurement in case of angle meter for more than one user" is hereby repealed and replied with a new Chapter 51, Section 51.075 as set forth in Exhibit A attached hereto and incorporated herein by reference (collectively, the "Amended Rates and Charges").

Section 2. Aside from the specifics amendments as set forth in Exhibit A, all other provisions of Chapter 51 of the Town of Brookville Town Code of Ordinances shall remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. The Amended Rules and charges shall be effective upon passage of this Ordinance.

Section 5. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which shall be given effect without such invalid part or parts.

This ordinance shall be in full force and effect upon its passage.

Passed by the Council of the Town of Brookville, Indiana, this _____ day of _____, 2021.

_____
Curtis Ward, President

_____
Eric Johnson, Vice-President

_____
Cathy Pelsor

Chuck Campbell

Brooke Leffingwell

ATTEST:

Gina Gillman, Clerk-Treasurer

EXHIBIT A

Section 51.075 SEWAGE WORK RATES AND CHARGES

For the use of and the services rendered by the sewage works, rates and charges shall be collected from the owner of each and every lot, parcel of real estate, building, or wholesale user that is connected to the town's sanitary sewage system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewage system of the town, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(A) Metered Users: Except as provided in subsection (B) below, the rates and charges for the sewage works shall be based on the following schedule with all flows being measured consistent with the users water meter there in use. The rate shall be calculated by computing the Flow Charge, in the event the flow charge is less than the Minimum Charge set forth below, the customer shall pay the Minimum Charge:

	2021	2022	2023
Minimum Charge	**$20.62**	**$21.24**	**$21.88**
Flow Charge First 2,000 gallons	$10.31 per 1,000 gallons	$10.62 per 1,000 gallons	$10.94 per 1,000 gallons
Flow Charge Over 2,000 gallons	$4.93 per 1,000 gallons	$5.08 per 1,000 gallons	$5.23 per 1,000 gallons

(B) Wholesale Contract User: The Lake Regional Conservancy District ("District") shall be billed according to the rates and charges set forth in the Wastewater Treatment Agreement entered into between the Brookville Lake Regional Wast District and the Town of Brookville, Indiana dated July 13, 1982 as may be amended from time to time, including, but not limited to, the April 2, 2008 amendment. Nothing in this subsection shall prevent the District and the Town of Brookville from further amending the July 13, 1982 Agreement including the rate schedule set forth therein.

(C) Town Rate: For the service rendered to the town, the town shall be subject to the same rates and charges as set forth Section 51.075(A) as set forth above.

(D). Additional Strength Charges: In addition, for certain waste, the user shall be charged an additional excess strength surcharge pursuant to the following schedule:

a. *Rate surcharge based upon suspended solids*. There shall be an additional charge of $0.34 per pound, or fraction thereof, of suspended solids in excess of 250 milligrams per liter of fluid. The excess pounds of suspended solids will be

computed by first multiplying the customer's billing sewage volume measured in units of one thousand gallons by the factor 0.00834 and then multiplying this product by the loading of suspended solids in excess of 250 milligrams per liter.

b. *Rate surcharge based upon BOD*. There shall be an additional charge of $0.34 cents per pound, or fraction thereof, of BOD in excess of 250 milligrams per liter of fluid. The excess pounds of BOD will be computed by first multiplying the customer's billing sewage volume measured in units of 1,000 gallons by the factor 0.00834 and then multiplying this product by the loading of BOD in excess of 250 milligrams per liter.

(E). No Discharge of Pumped Waste: Waste pumped from septic tanks, lift stations, campers and the like, either by the owner or commercial hauler, is prohibited from being dumped int any outlet connected to the town's collection system. This includes, but is not exclusive to, manholes, clean outs, lift stations, private connections and the like. Any exceptions to this rule must be applied for in writing and approved by the Town Council and the Utility Superintendent in advance of dumping. An appropriate fee shall be determined by the Utility Superintendent according to the type and amount of waste to be discharged into the town's collection system.

(F). Two Residential Lots with Single Meter: In the event two or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used will be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(G) Sprinkler Credit: In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of June, July, August, and September, the billing for sewage service for residences and/or domestic users for said months of June, July, August, and September shall be based on the average water usage for the previous months of December, January, February, and March. In the event the average water usage for said months of June, July, August, and/or September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage bill is being rendered. Domestic and/or residential sewage service, as applicable t the sprinkling rate, shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. Said sprinkling rate shall not apply to any premises which are partially or wholly used for industrial and commercial purposes. In the event a portion of such premise shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water so the the residential portion of the premises is served through a separate meter, and in such case, the water usage as registered by the water meter serving such portion of the premises used for residential

purposes would qualify under the sprinkling rate.

(H) Late Fees: Use of sewer services as above provided shall be charged and collect each month. All sewer bills shall be rendered as of the first day of the month following the month for which charges are made; and shall be due and payable upon receipt. A late fee of ten percent (10%) shall be charged if full payment is not received by the fifteenth (15th) of the month in which said sewer bills are rendered and each month thereafter until paid in full.

At the February 9, 2021 meeting of the Town Council and prior to final adoption of the Ordinance, any property owners, ratepayers or anyone else interested in the proceedings may appear and be heard concerning the proposed rates and charges. The hearing may be adjourned if necessary.

Complete copies of the Ordinance is on file with the Clerk-Treasurer and available for inspection by any interested parties during regular business hours at the Municipal Office located at 1020 Franklin Avenue, Brookville, Indiana.