

1 BILL NO. G-13-05-32

2 GENERAL ORDINANCE NO. 6-12-13

3
4 AN ORDINANCE ESTABLISHING VARIABLE
5 CONVEYANCE CHARGES FOR CONTRACT SEWER
6 CUSTOMERS, RATIFYING CONVEYANCE CHARGES FOR
7 CONTRACT SEWER CUSTOMERS AND AMENDING
8 CHAPTER 51 OF THE CITY OF FORT WAYNE CODE OF
9 ORDINANCES

10 **WHEREAS**, pursuant to Indiana Code 36-9-23-26, the Common
11 Council of the City of Fort Wayne, Indiana has enacted a User Charge
12 System and a Sewer Use Ordinance as contained in Chapter 51 of the Fort
13 Wayne Code of Ordinances; and

14 **WHEREAS**, the Fort Wayne Code of Ordinances calls for an annual
15 review of the Water Pollution Control Utility's current service charges and
16 surcharges by the Board of Public Works to determine whether said charges
17 provide sufficient revenue to offset the cost of all treatment works operation
18 and maintenance provided by the Utility, including the cost of management,
19 system repair and replacement, debt retirement and the costs incidental to
20 the Utility operation; and

21 **WHEREAS**, Indiana Code 8-1.5-3-8 states that rates and charges of
22 municipally owned utilities are unlawful if they are too low to produce income
23 sufficient to maintain the utility property in a sound physical condition to
24 render adequate and efficient services; and

25 **WHEREAS**, the Fort Wayne Water Pollution Control Utility has
26 incorporated plans for the treatment plant, sewer capacity and water quality
27 capital projects into the Sewer Capital Improvement Program; and

28 **WHEREAS**, the Water Pollution Control Utility's capital, operation and
29 maintenance costs have been examined by a cost of service study

1 completed in June 2009, which allocates the costs of the utility across
2 customer classes; and

3
4 **WHEREAS**, upon review of the Sewer Capital Improvement Program,
5 operation and maintenance costs and the cost of service study, the Board of
6 Public Works of the City of Fort Wayne Indiana, in accordance with IC 36-9-
7 23-25 recommends that existing rates and charges for the use of and
8 services rendered by the Water Pollution Control Utility do not provide
9 sufficient revenue to:

10 (a) Pay all expenses incidental to the operation of the sewage works
11 including legal **expenses**, maintenance costs, operating charges, repairs,
12 lease rentals, and interest charges on bonds or other obligations; and

13 (b) Provide the sinking fund required by IC 36-9-23-21 for proposed debt;
14 and

15 (c) Provide adequate money to be used as working capital; and

16 (c) Provide adequate money for improving and replacing the works; and

17 **WHEREAS**, the Board of Public Works recommends that an
18 adjustment to the conveyance rates charged to contract customers of the
19 Fort Wayne Water Pollution Control Utility as set forth in "Exhibit A" is
20 necessary to meet the requirements of IC 36-9-23-25; and

21 **WHEREAS**, the Board of Public Works has approved sewer
22 conveyance rates for contract customers since 1997.

23 **WHEREAS**, the Common Council of Fort Wayne finds it in the best
24 interest of the Fort Wayne Water Pollution Control Utility to ratify and approve
25 the sewer conveyance rates for contract customers set by the Board of
26 Public Works from 1997-2012 and to approve new sewer conveyance rates
27 for contract customers as shown in Exhibit A attached to this Ordinance.

1 **WHEREAS**, the Fort Wayne Water Pollution Control Utility has private
2 water exemption meters for customers that use water which is not
3 discharged to the sewer; and

4 **WHEREAS**, the Fort Wayne Water Pollution Control Utility staff
5 reviewed the cost of reading private water exemption meters including but
6 not limited to deduct, adduct and private well meters; and

7 **WHEREAS**, after said review the Fort Wayne Water Pollution Control
8 Utility staff deemed private water exemption meter reading as inefficient and
9 as a non-uniform cost to the Utility's customers; and

10 **WHEREAS**, the Fort Wayne Water Pollution Control Utility staff
11 recommend an amendment to Chapter 51 of the Fort Wayne Code of
12 Ordinances the property owner or person in charge of the property
13 responsible for private water exemption meters for reading said meters.

14 **NOW THEREFORE, BE IT ORDAINED BY THE COMMON**
15 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

16 **SECTION 1.** That in order to provide income sufficient to maintain the
17 utility property in sound physical and financial condition to render adequate
18 and efficient service to its users while implementing requirements of the EPA
19 and the Utility's approved Capital Improvement Plan, to adjust the City of Fort
20 Wayne Code Section 51.074 Wholesale Contract Customers – Unit and
21 other Charges, (B) Variable Charge (per 100 cubic feet) as shown in "Exhibit
22 A" attached hereto.

23 **SECTION 2.** That the Wholesale Contract Customer Variable
24 Charges adopted by Board of Works from 1997-2012 be ratified and
25 approved and that the adjustments to such charges as shown in "Exhibit A"
26

1 attached hereto be approved and become effective on the dates shown on
2 "Exhibit A".

3
4 **SECTION 3.** That Section 51.067 be amended as follows:

5 (A) Where a significant portion of the metered water does not and cannot
6 enter the sewerage system, either directly or indirectly, the person having
7 charge of the property may request permission from the city to install at the
8 user's expense either an approved meter or meters to determine the quantity
9 of water that cannot enter the sewerage system or an approved sewage
10 measuring device or devices to determine the volume of sewage that actually
11 enters the sewerage system. In any case the service charge shall be based
12 on the quantity of water that can or actually does enter the public sewers but
13 in no case shall it be less than the minimum charge for the class of user
14 served. Plans and specifications for all such meters shall be submitted to the
15 Superintendent of the Water Pollution Control Plan and approved prior to
16 installation.


17 (B) Unless otherwise provided in this section, the private water exemption
18 meters including deduct, adduct and well meter(s) shall be read by the
19 customer or the person having charge of the property. Exemption meter
20 reads shall be reported to City Utilities by a date as required by City Utilities.
21 Only exemption meter reads taken within a period of time set by City Utilities
22 during the billing cycle will be deducted from the monthly city utility charge.

23 City Utilities staff shall audit the exemption meter reads annually. If
24 there is a difference between the exemption meter read and the audit,
25 a correction bill or credit will be issued to the customer's account.

26 Customers with private water exemption meters including deduct,
27 adduct, and well meter(s) may request City Utilities staff to read the
28 private water exemption meter(s) for a monthly fee of \$20.00 for each

1 private exemption account and \$8.00 for each private exemption
2 meter associated with the private exemption account. In the event a
3 customer with a private water exemption meter does not report their
4 meter read to City Utilities, City Utilities may read the private water
5 exemption meter for a fee of \$20.00 for each private exemption
6 account and \$8.00 for each private exemption meter associated with
7 the private exemption account

8 **SECTION 4.** That this Ordinance shall be in full force and upon
9 passage and approval by the Mayor.

10 
11 Council Member
12

13 APPROVED AS TO FORM AND LEGALITY
14

15 
16 Carol Helton, City Attorney
17

EXHIBIT A

FORT WAYNE MUNICIPAL SEWAGE WORKS City of Fort Wayne

Table of Sewage Works Contract Customer Conveyance Rates

Variable Conveyance Charges		(Per 100 Cubic Feet) Effective July 1, 2013
Grabill	** Capital, Collection & Conveyance	0.5327
Institutional Power Plant	** Capital, Collection & Conveyance	2.7965
Leo-Cedarville	** Capital, Collection & Conveyance	0.4576
Maysville	** Capital, Collection & Conveyance	0.5087
New Haven	** Capital, Collection & Conveyance	0.0685
Allen County Regional Water and Sewer District		
Arcola	** Capital, Collection & Conveyance	2.1715
Canyon Run	** Capital, Collection & Conveyance	1.6802
Hessen Cassel	** Capital, Collection & Conveyance	1.0088
Mayhew	** Capital, Collection & Conveyance	2.3113
Muldoon	** Capital, Collection & Conveyance	1.5684
Monroeville/US 27	** Capital, Collection & Conveyance	1.0088
Riverhaven	** Capital, Collection & Conveyance	0.5505
WT, Tillman, Trentman	** Capital, Collection & Conveyance	1.0088
Winchester, Dodane	** Capital, Collection & Conveyance	1.5684
Bostick	** Capital, Collection & Conveyance	1.5684

Notes:

Treatment rates were approved via Council Ordinance # G-09-05-08

** Conveyance rates to be effective July 1, 2013 were increased over the prior year by 9%, consistent with treatment charges over the same period.

Interoffice Memo

Date: **May 22, 2013**

To: Common Council Members

From: **Len Poehler**, Deputy Director Business Services, Fort Wayne City Utilities

RE: **Revisions to Chapter 51: Sewers**

The City requests that this Council approve the following revisions to Chapter 51: Sewers, as follows:

1. In 2009, this Council approved a 5 year wastewater rate plan for all rates and for all customers, except the conveyance portion of contract customer rates. The intent was for those rates to be revisited annually. The attached Exhibit A sets new conveyance rates for contract customers in a manner that is consistent with all other customers as well as consistent with the guidance from the original 2009 Cost of Service Study. Effective date of the rates is as noted in Exhibit A.
2. As a cost reduction effort, the Utilities will discontinue the reading of meters that measure water used in a customer's product or used to cool their facilities. Instead City Utilities is developing a convenient internet solution to have customers read and post their own meter data. If customers do not want to read their own meters, this ordinance establishes a meter reading fee to reimburse the utility for the cost to provide the meter reading service. The meter reading fee will go into effect on January 1, 2014.
3. Ratification of the Wholesale Contract Customer Variable Charge set by the Board of Works from 1997- 2012 by this Common Council.

CC: BOW
Kumar Menon
Diane Brown

Public Hearing Date, if applicable

Read the first time in full and on motion by Councilman *Glynn Hines*
Read the second time by title and referred to the *Regulation Committee*
Committee. Read the third time in full and on motion by Councilman
Hines, placed on passage by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7	1		1
BENDER	✓			
CRAWFORD	✓			
DIDIER	✓			
HARPER		✓		
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF				✓
SMITH	✓			

DATED: *6-11-13* *Sandra E. Kennedy*
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. *G-12-13* on the *11th* day of
June, 2013

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Thomas F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the *13th* day
of *June*, 2013, at the hour of *3:00* o'clock *PM* . E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this *17th* day of *June*
2013, at the hour of *8:30* o'clock *AM* . E.S.T.

Mark D. Becker
Mark D. Becker, Deputy Mayor

THOMAS C. HENRY, MAYOR

RATIFICATION, APPROVAL AND PROPOSED CHANGES OR READJUSTMENTS OF FEES CHARGE) BY THE CITY OF FORT WAYNE WATER POLLUTION CONTROL UTILITY ("SEWAGE WORKS")

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, JUNE 11, 2013 AT 5:30 PM (LOCAL TIME) IN THE COMMON COUNCIL CONFERENCE ROOM, ROOM 30, CITIZENS SQUARE, 200 EAST BERRY STREET, FORT WAYNE, INDIANA, CONCERNING RATIFICATION, APPROVAL AND CHANGES OR READJUSTMENTS IN FEES CHARGED BY THE CITY OF FORT WAYNE WATER POLLUTION CONTROL UTILITY ("SEWAGE WORKS") PROPOSED BY BILL G-13-05-32 INTRODUCED AT THE MAY 28, 2013 MEETING OF THE COMMON COUNCIL. THE PROPOSED SCHEDULE OF FEES IS AS FOLLOWS:

Sec. 51.067 EXEMPT WATER - GENERAL

(A) Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the city to install at the user's expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage measuring device or devices to determine the volume of sewage that actually enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the sewerage system but in no case shall it be less than the minimum charge for the class of user served. Plans and specifications for all such meters shall be submitted to the Superintendent of the Water Pollution Control Plan and approved prior to installation.

(B) Unless otherwise provided in this section, the private water exemption meters including deduct, adduct and well meter(s) shall be read by the customer or the person having charge of the property. Exemption meter reads shall be reported to City Utilities by a date as required by City Utilities. Only exemption meter reads taken within a period of time set by City Utilities during the billing cycle will be deducted from the monthly city utility charge.

City Utilities staff shall audit the exemption meter reads annually. If there is a difference between the exemption meter read and the audit, a correction bill or credit will be issued to the customer's account.

Customers with private water exemption meters including deduct, adduct, and well meter(s) may request City Utilities staff to read the private water exemption meter(s) for a monthly fee of \$20.00 for each private exemption account and \$8.00 for each private exemption meter associated with the private exemption account. In the event a customer with a private water exemption meter does not report their meter read to City Utilities, City Utilities may read the private water exemption meter for a fee of \$20.00 for each private exemption account and \$8.00 for each private exemption meter associated with the private exemption account.

Sec. 51.074 CONTRACT CUSTOMERS - UNIT AND OTHER CHARGES

In the event that the City consummates a contract to serve as a regional treatment plant for any other municipality, private sewage utility or sewer district, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

B. Variable Charge (Per 100 cubic feet)
A variable charge for collection and conveyance costs attributable to each contract customer's portion of the Fort Wayne conveyance system and operating costs associated therewith shall be computed by the City and added to the treatment cost to arrive at the contractee's total metered rate. Variable charges will be as follows:

Grabill	Capital, Collection & Conveyance	0 5327
Institutional Power Plant	Capital, Collection & Conveyance	2 7965
Leo-Cedarville	Capital, Collection & Conveyance	0 4576
Maysville	Capital, Collection & Conveyance	0 5087
New Haven	Capital, Collection & Conveyance	0 0685
Allen County Regional Water and Sewer District		
Arcola	Capital, Collection & Conveyance	
Canyon Run	Capital, Collection & Conveyance	2 1715
Hessen Cassel	Capital, Collection & Conveyance	1 6802
Mayhew	Capital, Collection & Conveyance	1 0088
Muldoon	Capital, Collection & Conveyance	2 3113
Monroeville/US 27	Capital, Collection & Conveyance	1 5684
Riverhaven	Capital, Collection & Conveyance	1 0088
WT, Tillman, Trentman	Capital, Collection & Conveyance	0 5505
Winchester, Dodane	Capital, Collection & Conveyance	1 0088
Bostick	Capital, Collection & Conveyance	1 5684
	Capital, Collection & Conveyance	1 5684

Ratification of Wholesale Contract Customer Variable Charges as approved by Fort Wayne Board of Public Works from January 1, 1997 to June 30, 2012.

USERS OF THE SEWAGE WORKS, OWNERS OF PROPERTY SERVED OR TO BE SERVED BY THE SEWAGE WORKS, AND OTHER INTERESTED PERSONS ARE INVITED TO APPEAR AND BE HEARD CONCERNING THE PROPOSED FEES. THE HEARING MAY BE ADJOURNED FROM TIME TO TIME WITHOUT FURTHER PUBLISHED NOTICE. AFTER THE HEARING, THE COMMON COUNCIL MAY ADOPT THE SCHEDULE OF FEES, EITHER AS ORIGINALLY INTRODUCED OR AS MODIFIED.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY, CITY CLERK

1061915 hspawp

BILL NO. G-13-05-32

**REPORT OF THE COMMITTEE ON REGULATIONS
JUNE 11, 2013**

**GLYNN HINES – CHAIR
RUSSELL JEHL – CO-CHAIR
ALL COUNCIL MEMBERS**

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE ESTABLISHING VARIABLE CONVEYANCE CHARGES FOR CONTRACT SEWER CUSTOMERS, RATIFYING CONVEYANCE CHARGES FOR CONTRACT SEWER CUSTOMERS AND AMENDING CHAPTER 51 OF THE CITY OF FORT WAYNE CODE OF ORDINANCES. HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures under DO PASS column]
Martin R. ...
Thomas ...
John ...
John Crawford
Jeff ...
M. ...

[Handwritten signature under DO NOT PASS column]
M. ...

[Handwritten marks under ABSTAIN and NO REC columns]

SANDRA E. KENNEDY
CITY CLERK