

1 **BILL NO. G-14-05-28**

2 **GENERAL ORDINANCE NO. G- 16-14**

3 **AN ORDINANCE AMENDING CHAPTER 51 OF**
4 **THE CITY OF FORT WAYNE CODE OF ORDINANCES**

5 **WHEREAS**, pursuant to Indiana Code 36-9-23-25, the Common Council of
6 the City of Fort Wayne has enacted a User Charge System and a Sewer Use
7 Ordinance as contained in Chapter 51 of the Fort Wayne Code of Ordinances; and

8 **WHEREAS**, the Board of Public Works is charged with the responsibility
9 for the operation of Fort Wayne City Utilities including long-term planning,
10 engineering, financing and construction of sanitary sewer infrastructure served by the
11 Fort Wayne Water Pollution Control Utility; and

12 **WHEREAS**, on May 26, 2009, Common Council of Fort Wayne adopted
13 Bill No. G-09-05-08 (Ordinance No. G-12-09), which among other things, approved
14 a five year rate plan that would adjust sewer rates annually on the 1st day of July of
15 each year from July 1, 2009 to July 1, 2013, (hereinafter referred to as "2009 Rate
16 Ordinance"), which included rates as well as other rates, fees and charges;

17 **WHEREAS**, in order to encourage growth, investment and economic
18 development and to contribute to the payment of costs associated with installation,
19 adjustment, inspection and other improvements to the Water Pollution Control
20 Utility, Fort Wayne City Utilities recommends approving the amendment and
21 extension of the Food Service Establishment Surcharge, Tap Inspection Fee, Meter
22 on Well Installation, Deduct Meter Reading Assessment and Area Connection Fees.

23 **WHEREAS**, the Common Council of the City of Fort Wayne now finds it is
24 in the best interest of the Fort Wayne Water Pollution Control Utility, in order to
25 encourage growth, investment and economic development and to contribute to the
26 payment of costs associated with the installation, adjustment, inspection, monitoring
27 and other improvements to the Water Pollution Control Utility, that the following
28 fees be approved to be amended and extended until such time that the Council
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1 amends the fee or charge or that Board of Public Works recommends discontinuance
2 of said fee or charge.

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

5 **SECTION 1.** That in order to encourage growth, investment and
6 development and to allow City Utilities to contribute to the payment of costs
7 associated with the installation, adjustment, inspection, monitoring and other
8 improvement to the water pollution control utility, that the following Section of
9 Chapter 51 be amended as follows:

10 The following Section shall be amended:

11 **§ 51.001 DEFINITIONS**

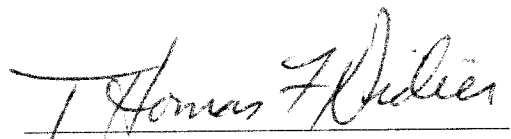
12 **FOOD SERVICE ESTABLISHMENT.** Any establishment, including, but
13 not limited to, a restaurant, coffee shop, cafeteria, short-order café, luncheonette, bar,
14 tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drink
15 establishment, snack bar, food counter, dining room, food catering facility, industrial
16 cafeteria, convenience store, grocery store, private, public or non-profit organization
17 or institution routinely serving food, and any other establishment, where food or
18 drink produces are prepared, served or provided for human consumption with or
19 without charge. The term does not include private homes where food is prepared or
20 served for individual family consumption, vending only facilities that provide only
21 pre-packaged foods, or any temporary establishment, whether fixed or mobile,
22 operating at one site for locations for a period of time not in excess of fourteen (14)
23 days.

24 **TAP INSPECTION.** Onsite inspection performed or authorized by City
25 Utilities of a newly installed, replaced, repaired or altered Building (or House) Sewer
26 Lateral and it's connection to the City's public sanitary sewer system. A Tap
27 Inspection Fee shall be charged to the Property Owner for the cost of the inspection.

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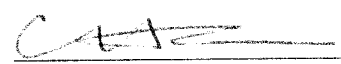
SECTION 2. These fees and charges shall be effective immediately upon passage of this Ordinance and continue until such time as Council amends the fees and charges or until the Board of Public Works recommends to Council that the fee or charge be discontinued.

SECTION 3. That this Ordinance shall be in full force and effect following its passage, any and all necessary approval by the Mayor and due legal publication thereof.



Council Member

APPROVED AS TO FORM AND LEGALITY



Carol Helton, City Attorney

Interoffice Memo

Date: May 22, 2014
To: Common Council Members
From: Kumar Menon, Director of City Utilities
RE: Ordinance Amending Chapter 51 (Sewers)

As is normal business practice, City Utilities reviews all its fees, charges and connection costs to ensure they stay balanced, continue to support economic development where growth pays for growth, continue to insulate rate payers from new development costs, and are adequate to repay sunk costs. Based on this review and the increase in development related projects and new customer connections, City Utilities is seeking to modify certain sewer fees and charges impacted by these changes. More specifically, City Utilities is requesting adjustment/amendment of the Food Service Establishment Surcharge, Tap Inspection Fee, Meter on Well Installation, Deduct Meter Reading Assessment and Area Connection Fees. These adjustments (both increases and decreases) reflect the impacts of the increase in demand to City Utilities and accelerated customer growth and more accurately aligns these fees and charges with the existing and anticipated transactional and service delivery-based costs of the Utility.

Based on the current private investment/growth climate, the approval of this ordinance would make these adjustments effective upon passage.

Please contact Nancy Townsend at 427-2691 or at nancy.townsend@cityoffortwayne.org if you have any questions.

CC: Diane Brown
Molly McCray

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Tom Didier
Read the second time by title and referred to the Regulations Committee
Committee. Read the third time in full and on motion by Councilman
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>1</u>	_____	<u>1</u>
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	_____	<u>✓</u>	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	_____	_____	_____	<u>✓</u>
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 7-8-14 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. 6-16-14 on the 8th day of
July, 2014

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

Marvin A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day
of July, 2014, at the hour of _____ o'clock _____ E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of July
2014, at the hour of 9:00 o'clock Am E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

7-1
Hold 2 weeks 6-27

BILL NO. G-14-05-28

REPORT OF COMMITTEE ON REGULATIONS

JUNE 10, 2014

*Tom Didier, Chair
Mitch Harper, Co-Chair
All Council Members*

AN ORDINANCE amending Chapter 51 of the City of Fort Wayne Code of Ordinances.
COMMITTEE ON REGULATIONS 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

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**SANDRA E. KENNEDY
CITY CLERK**

BILL NO. G-14-05-28

REPORT OF COMMITTEE ON REGULATIONS

JULY1, 2014

*Mitch Harper, Chair
Thomas Didier, Co-Chair
All Council Members*

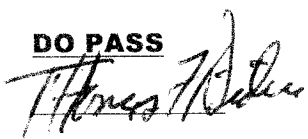
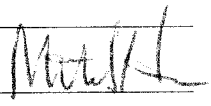
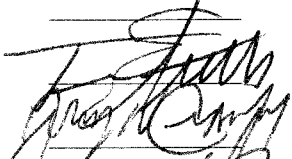

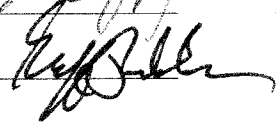
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**SANDRA E. KENNEDY
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