

**MEETING OF A COMMITTEE OF THE WHOLE,
JUNE 3, 1970, AT 7:30 P.M.**

The Common Council of the City of Terre Haute, met as a Committee of the Whole at 7:30 P.M. on June 3, 1970 in the City Court Room at City Hall with President William Ennis presiding and City Clerk, L. Schuman Hunter, at the Clerk's desk, for the purpose of conducting a public hearing on General Ordinance No. 11, 1970, concerning rates and charges for use of the sewage disposal works.

ROLL CALL

Mr. Chernay, Mr. Cook, Mr. Henderson, Mr. Jones, Mr. Kirchner, Mr. Mier, Mr. Napier, Mr. Nattkemper and Mr. Ennis.

Present: 9

Absent: 0

The President, Mr. Ennis, noted that notice of hearing on proposed rates and charges for the Sewage Works of Terre Haute, Indiana had been published in the Terre Haute Tribune and the Terre Haute Star on May 11, 1970 and May 18, 1970 and that proof of such publications had been received by the Clerk and had been examined and found to be in order. The President announced that it was the purpose of this meeting of the Common Council as a Committee of the Whole to conduct a public hearing on the proposed rates and charges for the Sewage Works, as set forth in proposed General Ordinance No. 11, 1970, and that all interested persons wishing to be heard on the matter would be permitted to address the Council and/or submit material in writing.

During the hearing that followed, all persons desiring to address the Council and/or submit material in writing were permitted to do so. Following the hearing and discussion by the Council, the Committee meeting of the Whole was adjourned.

WILLIAM ENNIS

President
L. SCHUMAN HUNTER
City Clerk

SPECIAL CALL

Terre Haute, Indiana
June 1st, 1970

To the Members of the Common Council
of the City of Terre Haute, Indiana:

Notice is hereby given that a Special Meeting of said Council is hereby called to be held in the Council Chamber of said City at o'clock p.m.

on Wednesday, June 3rd, immediately following the Public Hearing, for the purpose of Acting on General Ordinances No's 11 and 12 of 1970.

WILLIAM ENNIS
President

RETURN

Served the within and foregoing notice by leaving a true and complete copy of same at last and usual place of residence of, and reading to and within the hearing of, all members of the Common Council of the City of Terre Haute, Indiana, this 1st day of June, 1970.

Councilman	Serving Officer
WARREN B. HENDERSON	TOM PESTOFF
WILLIAM ENNIS	TOM PESTOFF
JOHN NAPIER	TOM PESTOFF
KENNETH MIER	TOM PESTOFF
JOSEPH E. CHERNAY	TOM PESTOFF
LAWRENCE R. JONES	D. HAYNE - REESE
LEONARD KIRCHNER	D. HAYNE - REESE
C. R. NATTKEMPER	D. HAYNE - REESE

Motion was made by Mr. Jones and seconded by Mr. Mier to accept the Special Call. Motion carried unanimously.

COMMITTEE REPORT

Terre Haute, Indiana
May 20, 1970

To the Mayor and Common Council of
The City of Terre Haute, Indiana.
Gentlemen:

Your Committee of the Whole with Mr. Jones as Chairman, to whom was referred General Ordinance No. 11, 1970 wishes to report favorably.

Respectfully submitted,
MR. COOK
MR. HENDERSON
MR. MIER
MR. NAPIER
MR. NATTKEMPER
MR. ENNIS

The Committee Report was unanimously accepted by the Council.

GENERAL ORDINANCE NO. 11, 1970

AN ORDINANCE AMENDING GENERAL ORDINANCE NO. 5,

1961, FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF TERRE HAUTE, INDIANA FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID CITY, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the City of Terre Haute has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing in a sanitary manner of sewage of the City; and

WHEREAS, the City has authorized the issuance of additional revenue bonds to provide funds, together with a state grant and a federal grant, to pay the cost of improvements and extensions to such sewage works; and

WHEREAS, the revenues from the existing sewage treatment rates and charges established by General Ordinance No. 5, 1961, adopted on September 25, 1961, are insufficient to pay the principal and interest on the additional revenue bonds, and the Common Council now finds that the rates and charges established by said ordinance should be increased as to all classes of service within the purview of Section 48-4320 Burns Indiana Statutes, 1963 Replacement (1969 Supplement), and should be extended so as to provide for a charge for each sewer connection, pursuant to Section 48-4319 Burns Indiana Statutes, 1963 Replacement (1969 Supplement); now therefore;

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

That General Ordinance No. 5, 1961, adopted on September 25, 1961, be amended to read as follows:

Section 1. For the use of and 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 to the City's sanitary sewerage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the City of Terre Haute, which rates and charges are payable as hereinafter provided and shall be in an amount determinable as follows:

(a) Except as in this ordinance otherwise provided, 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 and shown by the consumption records of the water utility serving the City of Terre Haute and its inhabitants.

(b) The water usage schedule and the applicable sewage rates and charges based thereon shall be as follows:

Block	Volume of water, cu. ft.	Sewage rate or charge, per 100 cu. ft. of water used
1	For the first 300 cu. ft. or less per month or 900 cu. ft. or less per quarter	\$ 0.94
2	For the next 1,700 cu. ft. or less per month or 5,100 cu. ft. or less per quarter or any part thereof	0.59
3	For the next 10,000 cu. ft. or less per month or 30,000 cu. ft. or less per quarter or any part thereof	0.50
4	For the next 18,000 cu. ft. or less per month or 54,000 cu. ft. or less per quarter or any part thereof	0.38
5	For the next 20,000 cu. ft. or less per month or 60,000 cu. ft. or less per quarter or any part thereof	0.31
6	For the next 50,000 cu. ft. or less per month or 150,000 cu. ft. or less per quarter or any part thereof	0.23
7	For all that quantity in excess of 100,000 cu. ft. per month or 300,000 cu. ft. per quarter	0.16

The minimum charge for any user shall be \$2.82 per month or \$8.46 per quarter, except that where the user is not a metered water consumer, the minimum charge shall be determined by means and methods satisfactory to the City.

Any provision in this ordinance to the contrary notwithstanding, the rates or charges to users outside the corporate boundaries of the City shall be one hundred twenty five per cent (125%) of the foregoing rates and charges to users within the corporate boundaries of the City.

(c) The quantity of water obtained from sources other than the water utility serving the City of Terre Haute and discharged into the Public Sanitary sewerage system may be determined by the City in such manner as the Board of Public Works and Safety shall elect and the sewage services shall be billed at the above appropriate rates.

(d) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewerage system, either directly or indirectly, is not a user of

water supplied by the water utility serving the City of Terre Haute and its inhabitants and the water used thereon and therein is not measured by a meter, or is measured by a meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City in order to ascertain the rate or charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of the sewage discharge.

(e) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the water utility serving the City of Terre Haute and its inhabitants and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City in order to ascertain the rate or charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for determination of sewage discharge.

(f) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewerage system, either directly or indirectly, and it can be shown, to the satisfaction of the City, that a portion of the water as measured by the water meter or meters does not and cannot enter the sanitary sewerage system, then the City may determine in such manner and by such method as it may deem practicable the percentage of metered water entering the sanitary sewerage system. Such percentage, when so determined, shall then constitute the basis of sewage rate or charge, provided, however, that the City in its discretion may require or permit the installation of suitable equipment at the expense of the owner or other interested party in such a manner as to determine the quantity of water actually entering the sewerage system, in which case the quantity of water used to determine the sewage rate or charge shall be the quantity of water actually entering the sanitary sewerage system as so determined, and in such event the following sewage rates and charges shall apply to the quantity of water actually entering the sanitary sewerage system:

Block	Volume of water, cu. ft.	Sewage rate or charge, per 100 cu. ft. of water used
1	For the first 300 cu. ft. or less per month or 900 cu. ft. or less per quarter	\$1.15
2	For the next 1,700 cu. ft. or less per month or 5,100 cu. ft. or less per quarter or any part thereof	0.74
3	For the next 10,000 cu. ft. or less per month or 30,000 cu. ft. or less per quarter or any part thereof	0.63
4	For the next 18,000 cu. ft. or less per month or 54,000 cu. ft. or less per quarter or any part thereof	0.47
5	For the next 20,000 cu. ft. or less per month or 60,000 cu. ft. or less per quarter or any part thereof	0.38
6	For the next 50,000 cu. ft. or less per month or 150,000 cu. ft. or less per quarter or any part thereof	0.29
7	For all that quantity in excess of 100,000 cu. ft. per month or 300,000 cu. ft. per quarter	0.20

In instances of the application of the foregoing schedule of rates and charges, the minimum charge for the particular user shall be \$3.45 per month or \$10.35 per quarter.

Any provision in this ordinance to the contrary notwithstanding, the rates or charges to users outside the corporate boundaries of the City shall be one hundred twenty-five per cent (125%) of the foregoing rates and charges to users within the corporate boundaries of the City.

(g) In order that the rates and charges may be justly and equitably adjusted to the services rendered, the City shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to treat and dispose of. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the City's sanitary sewerage system, in such manner and by such method as may be deemed practical in the light of the conditions and attending

circumstances of the case, in order to determine the proper charge. The Board of Public Works and Safety is authorized to prohibit the dumping of wastes into the City's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage disposal works of the City.

(h) For the service rendered to the City of Terre Haute, said City shall be subject to the same rates and charges hereinabove provided or to charges and rates established in harmony therewith.

Section 2. (a) In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of July, August, and September, the billing for sewage service for residences and/or domestic users for said months of July, August, and September, shall be based on the water usage for the previous months of January, February, and March. In the event the water usage for said previous months of January, February, and March is greater than the water usage for the said months of July, August, and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service, as applicable to 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 or commercial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such cases, the water usage as registered by the water meter serving such portion of the premises used for the residential purposes would qualify under the sprinkling rate.

(b) Where a metered water supply is used for fire protection as well as for other uses, the City may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable. In such cases the burden of proof as to the type of water usage shall be upon the user.

Section 3. The owner of each and every lot, parcel of real estate or building who makes or is ordered by the Board of Public Works and Safety to make application for a permit to connect with the Sanitary sewerage system of the City shall pay a charge or charges for such permit and connection as follows:

(a) Such owner shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. There shall be paid to the City Controller at the time the application is filed a permit and inspection fee in the amount of Ten Dollars (\$10.00), regardless of the type of connection or the type of premises for which connection is sought.

(b) For each connection with any part of the City's sanitary sewerage system which has been built pursuant to General Ordinance No. 10, 1970, such owner shall pay a connection charge of Four Hundred Dollars (\$400.00), payable in equal monthly or quarterly installments over a maximum period of twenty-five (25) years. A discount of ten per cent (10%) on the unpaid balance shall be allowed upon the payment of such balance at any time.

(c) The Board of Public Works and Safety may waive the connection charges (but not permit and inspection fee) provided for herein where such owner's participation in the construction of a local sewer, which local sewer is connected with the City's sewerage works system, results in his share of the cost of construction of such local sewer being more than the applicable connection charge or charges.

(d) The provisions of this ordinance as to connection charges shall not prevent the City from contracting with the owners of real estate for the construction of sanitary sewers pursuant to Chapter 128 of the Acts of the Indiana General Assembly for the year 1967, with the connection charges to applicable users being established by such contracts.

Section 4. The terms "Sanitary sewage" and "Industrial wastes" shall be defined as follows:

(a) "Sanitary sewage" is defined as waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains and all other water carried waste except industrial waste.

(b) "Industrial wastes" are defined as being the liquid waste or liquid-borne waste resulting from any commercial, manufacturing, or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the City of Terre Haute and shall be collected in the manner provided by law and ordinance. Said rates and charges may be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billings shall nowise relieve the owners from liability in the event payment is not made as herein required. The owners of property served which are occupied by tenants shall have the right to examine the collection records of the City for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office in which said records are kept during the hours that such office is open for business.

Billing for sewage rates and charges shall be made monthly and/or quarterly, and such rates and charges, except as hereinbefore provided,

shall be based upon the quantity of water used on or in the property or premises as the same is measured by the meter there in use, and said metered water usage shall be determined from the meter readings as furnished by the water utility serving the City of Terre Haute and its inhabitants.

Section 6. The Board of Public Works and Safety shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the City's sewage works including the sewer system and the treatment plant, for the construction and use of house sewers and connections to the sewer system, and for the regulation, collecting, rebating and refunding of rates and charges.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the schedule of rates and charges fixed by this ordinance shall have become effective.

Section 8. In case any section, or sections, or any part of any section, or sections, of this ordinance shall be found to be unconstitutional or invalid, the remainder of the ordinance shall not thereby be invalidated, but shall remain in full force and effect.

Section 9. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Presented by: WM. E. ENNIS
Councilman

Passed in open council this 3rd day of June, 1970.

WM. E. ENNIS
President, Common Council

ATTEST:
L. SCHUMAN HUNTER
City Clerk

Presented by me to the Mayor of the City of Terre Haute on the 5th day of June, 1970.

L. SCHUMAN HUNTER
City Clerk

This Ordinance approved and signed by me on the 5th day of June, 1970.

LELAND LARRISON
Mayor

Attest: L. SCHUMAN HUNTER
City Clerk

Motion was made by Mr. Nattkemper and seconded by Mr. Mier that General Ordinance No. 11, 1970 be engrossed and placed upon its passage. Motion carried 7 yes and 2 no.

COMMITTEE REPORT

Terre Haute, Indiana
May 20, 1970

To the Mayor and Common Council of
The City of Terre Haute, Indiana.
Gentlemen:

Your Committee of Mr. Chernay, Mr. Cook, and Mr. Nattkemper to whom was referred General Ordinance No. 12, 1970 wishes to report favorably.

Respectfully submitted,

MR. CHERNAY
MR. COOK
MR. NATTKEMPER

The Committee Report was unanimously accepted by the Council.

Motion was made by Mr. Cook and seconded by Mr. Mier to accept Amendment No. 1 to General Ordinance No. 12, 1970. Motion carried 9 yes and 0 no.

GENERAL ORDINANCE NO. 12, 1970 AS AMENDED

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the City of Terre Haute, Indiana, and providing penalties for violation thereof

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

Section I.

That General Ordinance No. 6, 1961, adopted on September 25, 1961, be amended to read as follows:

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows: