

## CHAPTER 53: SEWER RATES AND CHARGES

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### GENERAL PROVISIONS

#### 53.01 NECESSITY OF USER CHARGE

The Common Council, after investigation and consideration finds that a user charge for permitting a user to discharge liquid wastes into the Publicly-Owned Treatment Works (POTW) of the Sanitary District is of necessity to the public health and welfare and of public benefit to the people of the city.

#### 53.02 DISTRIBUTION OF COSTS

The Common Council of the City of Richmond, Indiana finds Amended Resolution 19-1994 adopted November 14, 1995, by the Richmond Sanitary District Board is a just and equitable distribution of user fees among the classes of service provided by the

POTW including the cost of operation, maintenance, replacement and debt service of the treatment facilities and collection system. (Ord. 93-1995)

### 53.03 APPROVAL OF SANITARY COMMISSIONERS' RESOLUTION

The Common Council of the City of Richmond, Indiana, approves by Ordinance No. 93-1995 the increase in user fees made substantially pro rata for all classes of service by Amended Resolution 19-1994 adopted November 14, 1995, by the Richmond Sanitary District Board. (Ord. 93-1995)

### 53.04 UNLAWFUL TO DISCHARGE WITHOUT PAYING RATES AND CHARGES

It shall be unlawful for any person, partnership, firm, or corporation to discharge waste into the sewer system owned and operated by the Richmond Sanitary District of Richmond, Indiana, unless the user of the sewer shall pay the user rates and charges provided for in Amended Resolution 19-1994 adopted November 14, 1995, by the Richmond Sanitary District Board. (Ord. 93-1995)

### 53.05 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "BOARD" - The Board of Sanitary Commissioners of the Richmond Sanitary District of the City of Richmond, Indiana.
- (b) "BOD (BIOCHEMICAL OXYGEN DEMAND)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in terms of weight and concentration (milligrams per liter).
- (c) "CITY" - The City of Richmond, Wayne County, Indiana acting by and through its Board of Sanitary Commissioners of the Richmond Sanitary District.
- (d) "DISTRICT" - The Sanitary District of the city, acting by its duly-constituted Board of Commissioners or their authorized representatives.
- (e) "COMMERCIAL USER" - Any establishment offering lodging, selling goods (either retail or wholesale), or offering services for sale, or contributing an average monthly flow in excess of 10,000 gallons, or any industrial establishment not qualifying as an "industrial users."
- (f) "DWELLING UNITS" - One or more rooms for the use of one or more persons as a housekeeping unit with space for eating, living, and sleeping, and permanent provision for cooking and sanitation.

(g) "EXCESSIVE STRENGTH SURCHARGES" - An additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."

(h) "INDUSTRIAL USER" - Any manufacturing or processing facility that discharges industrial waste to a publicly-owned treatment works.

(i) "INDUSTRIAL WASTES" - Any solid, liquid, or gaseous waste resulting from any process or excess energy of industry, manufacturing trade, or business, or from the development, processing, or recovery of any natural resource, except for agricultural crop raising, as distinct from industrial employees' domestic wastes or wastes from sanitary conveniences (normal domestic sewage).

(j) "NORMAL DOMESTIC SEWAGE" - A combination of liquid and water-carried wastes resulting from activities common to residences and generally having strengths not exceeding 200 mg/l B.O.D. and 225 mg/l suspended solids.

(k) "OPERATION AND MAINTENANCE COSTS" - Includes all costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing basis and produce discharges to receiving waters that conform with all related federal, state, and local requirements. These costs include replacement.

(l) "OTHER SERVICE CHARGES" - Tap charges, connection charges, area charges, and other identifiable charges, other than "user charges," "debt service charges," and "excessive strength surcharges."

(m) "NPDES PERMIT" - The permit issued to the sewage works under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of the Federal Water Quality Act Amendments of 1972 (Public Law 92-500).

(n) "PERSON" - Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

(o) "REPLACEMENT COSTS" - The budget allowances set aside to provide for cash expenditures for procuring and installing units of equipment or reconstructing appurtenances necessary to maintain or regain the capacity and performance for which the treatment works were designed during their useful life.

(p) "SEGREGATED DOMESTIC WASTES" - Those wastes from nonresidential users which are generated from activities of a domestic nature and which are measurable or set apart from industrial discharges.

(q) “SEWER USE ORDINANCE” - A separate and companion enactment to this chapter, set out in Chapter 54, which regulates the connection to and use of public and private sewers.

(r) “SHALL AND MAY” -

(1) “SHALL” is mandatory.

(2) “MAY” is permissive.

(s) “STANDARD LABORATORY PROCEDURE” - The analytical and sampling methods as they appear in the most recent editions of: Standard Methods for the Examination of Water and Wastewater, APHA, New York 10019; A.S.T.M. Standards, Part 23, Water, Atmospheric Analysis, American Society for Testing and Materials, Philadelphia, PA 19103; Methods of Chemical Analysis of Water and Wastes, USEPA, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, Ohio 45202.

(t) “SUSPENDED SOLIDS” - Solids in a liquid suspension of water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.

(u) “USER CHARGE” - A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works pursuant to Section 204 (b) of Public Law 92-500, (including replacement)

(v) “USER CLASS” - The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional and governmental) in the user charge system.

(1) “RESIDENTIAL USER” - A user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units.

(2) “COMMERCIAL USER” - Any establishment offering lodging, selling goods (either retail or wholesale), or offering services for sale, or contributing an average monthly flow in excess of 10,000 gallons, or any industrial establishment not qualifying as an “industrial users.”

(3) “INSTITUTIONAL USER” - Any establishment involved in a social, charitable, religious, or educational function which, based on a determination by the Sanitary District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(4) "GOVERNMENTAL USER" - Any federal, state, or local governmental user of the wastewater treatment work.

(5) "INDUSTRIAL USER" - Any manufacturing or processing facility that discharges industrial waste to a publicly-owned treatment works.  
(Ord. 93-1995)

#### 53.06 PENALTY

Violation of any section of this chapter shall be subject to a fine of not less than \$50 nor more than \$1000. Each day in which a violation occurs shall be considered a separate violation of this chapter. (Ord. 93-1995)

#### 53.07 REMEDIES

The Board shall enforce provisions of this chapter by any legal methods, including but not limited to:

(a) A civil action for debt brought by the Richmond Sanitary District in the name of the City of Richmond.

(b) By disconnecting the property owned or controlled by the property owner or user.

(c) By obtaining an injunction against the property owner or user to prohibit any further discharge into the sewer system of sewer wastes by the property owner, or user.

(d) The City Controller, after user charges have gone unpaid for a period of 60 days and declared delinquent, certify the amount due from each such owner or user of a parcel of real estate to the County Auditor and certify the amount of charges due from the owner or user shall be placed on the tax duplicate by the County Auditor and collected as taxes are collected from such owner or user of a parcel of real estate as provided by law. (Ord. 93-1995)

#### 53.08 USER RATES AND CHARGES TO BE FAIR AND EQUITABLE

This chapter approves certain sections which set user rates and user charges for certain user classes, which users may have their rates determined by the Board of Sanitary Commissioners without the approval of Common Council. These user rates and charges are approved in this Ordinance for the purpose of determining the acceptable rates to be charged residential users, and it is the recommendation of the Common Council that the rates herein set out for non-residential users be charged by the Board of Sanitary Commissioners of the Sanitary District in order to achieve the fair and equitable distribution of the cost of operation, maintenance, replacement, and debt service of the Richmond Sanitary District.

53.10 BIENNIAL REVIEW

The Board of Sanitary Commissioners of the Sanitary District shall cause a biennial review to be made of the user charge and its rates to ascertain if they are fair and equitable and if they are adequate to cover the cost of operation, maintenance, and replacement of the wastewater treatment facilities.

RATES AND CHARGES REGULATIONS

53.13 CLASSES OF USERS

Every person whose premises are served by the sewage works shall be charged for the services provided. These charges are established for each user class in order that the sewage works shall recover, from each user and user class, revenue which is proportional to the use by that class of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency, published in the Federal Register, September 27, 1978 (43 CFR 44022). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

(b) The various classes of users of the treatment works for the purposes of this subchapter, shall be as follows.

- (1) Class I                      Residential  
   Commercial  
   Governmental  
   Institutional
  
- (2) Class II                      Industrial

53.14 SCHEDULE OF RATES AND CHARGES (Ord. 9-2009)

- 1. TREATMENT RATE  
RATE PER 1,000 GALLONS PER MONTH  
Residential/Commercial                      \$3.03  
Industrial    2.70
  
- 2. MONTHLY BASE RATE (ALL CLASSES)

WATER METER SIZE:	
5/8 or 3/4 inch	10.74
1 inch	33.13
1 1/2 inch	73.58
2 inch	125.07
3 inch	284.37
4 inch	492.72

UN-METERED CUSTOMERS	
CHARGE PER MONTH	25.85

INDUSTRIAL SURCHARGES	
BOD (PER POUND)	0.52
SUSPENDED SOLIDS (PER POUND)	0.52

(e) Charges shall be collected from the owners or occupants of each and every lot, parcel of real estate, or building that is connected with the sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the Sanitary District.

(f) For metered water users, the charges shall be based on the quantity of water used on or in the property or premises, as the same is measured by the water meter there in use, plus a base rate for the size of the water meter installed. For the purpose of billing and collecting the charges for sewage service, the water meter shall be read or estimated monthly and the user shall be billed each month or period equaling a month.

(g) For unmetered water users or in situations where accurate meter readings are not available, the monthly charges shall be as set forth in subsection (c) above. Sewage bills shall be rendered once each month or period equaling a month.

(h) For the service rendered to any City departments or agencies, the City shall be subject to the same rates and charges as any other customer.

(i) In order to recover the cost of monitoring industrial wastes, the District shall charge the user the actual cost incurred for each sample.

(j) No free service shall be provided to any user of the wastewater treatment facility. (Ord. 93-1995)

### 53.15 DETERMINATION OF WATER USAGE FOR BILLING PURPOSES

The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the city shall be determined by the Sanitary District in the manner the District may reasonably elect, and the sewage service shall

be billed at the above appropriate rates; except, as is provided in this section, the District may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the District that the quantities do not enter the sanitary sewage system.

(a) In the event the owner of a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the District's sewer system, either directly or indirectly, is not a user of water supplied by the waterworks company and the water used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District, in order to ascertain the rates and charges, 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 District for the determination of the sewage discharge.

(b) In the event the owner of a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the District's sewer system, either directly or indirectly, is a user of water supplied by the waterworks company, 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 District, then the amount of water used shall be otherwise measured or determined by the District in order to ascertain the rates of 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 District for the determination of sewage discharge.

(c) In the event the owners of two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the District's sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in that case, for billing purposes, the quantity of water used shall be averaged for each user 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.

(d) In the event two or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the District'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 that case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of dwelling units times the minimum base rate. In the case of mobile home courts, the numbers of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling

units served through the meter. A dwelling unit shall be interpreted as defined in 53.12(f).

(e) In order that the single-family domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months of July, August, and September, the billing for sewage service for residences or domestic users for those months shall be based on the water usage for the previous months of April, May and June, or one month determined by the Board. In the event the water usage for said previous months is greater than the water usage for the summer months, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic 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 single-family residence. The sprinkling rates shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of the 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 that case the water usage as registered by the water meter serving that portion of the premises used for residential purposes would qualify under the sprinkling rate. This credit will be given to qualified users only on request.

(f) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the District's sanitary sewage system, either directly or indirectly, and uses water in excess of 25,000 gallons per month, and it can be shown to the satisfaction of the District that a portion of water as measured by the water meter or meter does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the District for the determination of sewage discharge.

(g) Where a metered water supply is used for fire protection as well as for other uses, the District may, in its discretion, make adjustments in the user charge as may be equitable. (Res. 2-1984)

### 53.16 DETERMINATION OF STRENGTH, CHARACTER OF WASTES FOR BILLING PURPOSES

In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Sanitary District shall base its charges not only on the volume, but also on the strength and character of the stronger than normal domestic sewage and wastes which it is required to treat and dispose of. The District shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in the manner and by the method the District may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a representative sampling point available to the District at all times.

(a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 225 milligrams per liter of fluid. Additional charges for treating stronger than normal domestic waste shall be made on the following basis.

(1) Rate surcharge based upon suspended solids. There shall be an additional charge per pound of suspended solids for suspended solids received in excess of 225 milligrams per liter of fluid to be determined by Common Council.

(2) Rate surcharge based on B.O.D. There shall be an additional charge per pound of biochemical oxygen demand for B.O.D. received in excess of 200 milligrams per liter of fluid to be determined by Common Council.

(b) The determination of suspended solids and five-day B.O.D. contained in the waste shall be in accordance with standard laboratory procedures. (Res. 1-1989; Ord. 8-1989)

### 53.17 LIQUID WASTE WATER DISPOSAL CHARGES

Waste from septic tanks, waste from grease traps and treatment plant residuals (industrial or municipal) shall be charged at a rate per 100 gallons to be set from time to time by Common Council. (Ord. 42-1991)

### 53.18 BILLING AND COLLECTION

Bills shall be prepared and collected by Indiana-American Water Company in its normal course of business operations. (Ord. 93-1995)

### 53.19 RATE REVIEW STUDY

(a) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the District shall cause a study to be made as deemed appropriate by the Board of Sanitary Commissioners. The study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow-rate characteristics attributed to the various users or user classes, the financial position of the sewage works, and the adequacy of its revenue to provide reasonable funds for the operation, maintenance, replacements, debt service requirements, and capital improvements to the waste treatment systems.

(b) Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period. The District shall cause a study to be made for the purpose of reviewing: (1) the sufficiency of the revenue to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (2) maintaining proportionately among user classes of the rates and charges for sewage services. Said service shall be conducted by the officers or employees of the district or by a firm of Certified Public Accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the Director shall determine to be best under the circumstances.

### 53.20 AUTHORITY OF SANITARY DISTRICT; APPEAL PROCEDURE

(a) The Sanitary District shall make and enforce any rules and regulations as may be deemed necessary for the safe, economical, and efficient management of the District sewage system, pumping stations, and sewage treatment works, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collection, rebating, and refunding of rates and charges, and any other rules and regulations that are necessary to carry out the purpose of this chapter.

(b) The District is hereby authorized to prohibit dumping of wastes into the District's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the District, or to require methods affecting pretreatment of wastes to comply with the pretreatment standards included in the NPDES permit issued to the sewage works.

(c) The rules and regulations promulgated by the Sanitary District, after approval by the Board of Sanitary Commissioners shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Administrator of the user charge to the Board of Sanitary Commissioners and that any decision concerning user charges of the Board may

be appealed to the Circuit Court of Wayne County, Indiana under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

#### 53.21 SEVERABILITY; STATUTORY AUTHORITY NOT LESSEMED

(a) The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without the invalid part or parts.

(b) Nothing in this chapter shall delete from the powers any power or authority granted to the Board of Sanitary Commissioners of the Sanitary District provided for in I.C. 19-2-14-1 through 32 or amendments and statutes subsequent thereto including but not limited to I.C. 19-2-20-1 through 15 et seq.

#### 53.22 SPECIAL RATE CONTRACTS

The Sanitary District is authorized, consistent with federal regulations, to enter into special rate contracts with customers of the sewage works whereby clearly definable differences in cost to the sewage works can be determined, and the special rate shall be limited to these special costs. The contracts shall be subject to the approval of the Board of Sanitary Commissioners of the Sanitary District.