Passed: 8-0

ORDINANCE 99-04

TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "WASTEWATER"
(Adjusting the Storm Water Utility User Rates for Customers with Private Fire Connections)

WHEREAS, the City of Bloomington, Indiana (the "City") has heretofore constructed and has in operation a wastewater collection system and treatment plants for the purpose of collecting and treating sewage wastewater and conveying the same away from the premises where produced; and

WHEREAS, the City of Bloomington, Indiana, pursuant to the authority of IC 36-9-23, has heretofore created a storm water utility within said wastewater utility to, among other things, address storm water management problems deal with the costs of collecting and treating storm water drainage; and

WHEREAS, the Common Council of the City is authorized to set rates and charges under IC 36-9-23-25 for the services provided by the wastewater utility and its storm water utility division; and

WHEREAS the Utilities Service Board has recommended, after due consideration, including public meetings conducted on January 11, 1999, and January 19, 1999, that adjustments to the rates and charges of the storm water utility should be approved by the Common Council which would shift basis for the charges to fire line connection customers from fire line size to impervious area;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 10.04.010 Definitions of the Bloomington Municipal Code shall be amended to add the following paragraph as (2) and existing paragraphs (2) through (14) shall be renumbered as (3) through (15):

(2) "Base unit" means an amount that equals the average single family residential impervious area, which is presently set at 2,000 square feet but which may be adjusted by action of the Utilities Service Board.

SECTION II. Section 10.04.010 Definitions of the Bloomington Municipal Code shall be amended to add the following paragraph as (16), and existing paragraphs (15) through (41) shall be renumbered as (17) through (43):

(16) "Impervious area" means the total hard surface area (asphalt, concrete, stone, etc.) that is contained on a lot or parcel, or within a development tract.

SECTION III. Section 10.08.045 Rates – Storm Water Utility Users of the Bloomington Municipal Code shall be amended to read as follows:

10.08.045 Rates -- Storm Water Utility Users.

(a) The rates and charges of the storm water utility shall be as follows:
The storm water system user fee is applicable to all water or wastewater utility accounts within the storm water system service area with the exception of water accounts that are solely used for the purpose of irrigation. All accounts classified by the utility, as being single family residential accounts and all accounts receiving wastewater service only shall pay a monthly charge of $2.35. All other metered water accounts shall be charged based upon the size of the water meter(s) as follows:

Water Meter Size "	Monthly User Charge $
5/8	2.35
3/4	2.35
1	5.88
1 ½	11.75
2	18.80
3	35.25
4	58.75
6	117.50
8	235.00
10	352.50

Private fire connections shall be charged based upon impervious area of the customer. The amount of impervious area subject to the Storm water Utility Rate shall be determined by the Utilities Service Board. The Storm Water Utility User charge for private fire connection customers shall be calculated as follows:

(Impervious area of fire line customer's property divided by base unit) multiplied by $2.35

The new rate shall not exceed one hundred and five percent (105%) of the rate, which would result by using the following rate structure:

Private Fire Connection Size "	Monthly User Charge $
5/8	2.35
3/4	2.35
1	5.88
1 ½	11.75
2	18.80
3	35.25
4	58.75
6	117.50
8	235.00
10	352.50

(b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code and the City of Bloomington Utilities Department Rules and Regulations which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for storm water utilities services.

SECTION IV. Any fire line connection customer who paid higher monthly Storm Water Utility User charges under the previous rate structure shall be entitled a credit to that customer's account in the amount of the difference between what was paid under the previous rate structure and what would have been due had the new rate structure been in effect. If the amount of that credit exceeds ten times the new monthly amount due, that customer may request and receive a refund of the excess in lieu of a credit on the account.

SECTION V. Severability. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VI. Enactment. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of February, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4th day of February, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 5 day of February, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes four changes to Title 10 of the Bloomington Municipal Code regarding "Wastewater." First, it adds definitions for the terms "base unit" and "impervious area" for use in computing storm water utility user charges for fire line connection customers. Second, it changes the basis for the computation of those charges from fire line size to impervious area. Third, it limits the increase in monthly charges that may result due to this rate structure change. And fourth, it authorizes a credit to customers who paid more per month under the previous rate structure than they will under the new rate structure.