

ORDINANCE NO. 2022- 22

AN ORDINANCE REDUCING THE MONTHLY USAGE CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WHITESTOWN WATERWORKS SYSTEM TO REFLECT THE REPEAL OF THE UTILITY RECEIPT TAX AND UPDATING METER SIZES FOR PRIVATE FIRE SPRINKLER LINE CONNECTION CHARGES

WHEREAS, the Town of Whitestown, Indiana (“Town”) owns and operates a waterworks pursuant to Indiana Code § 8-1.5 *et. seq.*, as amended, and other applicable provisions of Indiana law (collectively, the “Act”), for the purpose of providing for the furnishing of potable water and related services in the Town; and

WHEREAS, the current schedule of rates and charges for the waterworks of the Town are set forth in Ordinance No. 2017-06, as otherwise may have been amended from time to time (collectively, the “Prior Ordinances”); and

WHEREAS, on March 15, 2022, Governor Holcomb signed House Bill 1002 (“HEA 1002”), which effective July 1, 2022, repeals the Utility Receipts Tax (found at Indiana Code § 6-2.3, *et seq.*) (“URT”), which URT is not separately billed by the waterworks and is instead built into and recovered through the Town’s monthly water rates; and

WHEREAS, the repeal of the URT allows the Town to lower the monthly user rates and charges for water users of the Town; and

WHEREAS, the financial advisors for the Town, O.W. Krohn & Associates, have provided a report determining the impact of HEA 1002 and the corresponding adjustment to the Town’s monthly usage charges consistent with HEA 1002; and

WHEREAS, the Town also desires to update the schedule for the private fire sprinkler line connection charge set forth in the Ordinance No. 2017-06 to include additional meter sizes consistent with the connections to the waterworks system; and

WHEREAS, all existing rates and charges as set forth in the Prior Ordinances will remain in full force and effect except as specifically superseded by the rates and charges set forth herein, and the rates and charges set forth herein will be applied in the same manner as set forth in the Prior Ordinances and policies of the Town.

NOW THEREFORE, be it ordained by the Town Council of the Town of Whitestown, Indiana that:

Section 1. The schedules for the Flow Charge and Minimum Service Charge Per Month, set forth in Sections 3.A. and 3.B. of Exhibit A to Ordinance No. 2017-06, are hereby reduced and restated as follows:

...

A. Flow Charge

| | <u>Consumption per month</u> | <u>Rate Per 1,000 Gallons</u> | |
|-------|------------------------------|---------------------------------|---|
| | | Existing Connection Area | New Extraterritorial Connection Area |
| First | 2,000 gallons | \$13.32 | \$15.06 |
| Next | 5,000 gallons | 8.00 | 9.03 |
| Next | 13,000 gallons | 7.80 | 8.81 |
| Next | 30,000 gallons | 7.65 | 8.65 |
| Over | 50,000 gallons | 7.55 | 8.54 |

B. Minimum Service Charge Per Month

...

| <u>Meter Size</u> | <u>Minimum Monthly Charge</u> | |
|----------------------------------|---------------------------------|---|
| | Existing Connection Area | New Extraterritorial Connection Area |
| 5/8 or 3/4" meter (or each unit) | \$ 26.65 | \$30.11 |
| 1" meter | 27.96 | 31.60 |
| 1-1/2" meter | 29.28 | 33.09 |
| 2" meter | 32.90 | 37.18 |
| 3" meter | 59.54 | 67.29 |
| 4" meter | 69.42 | 78.45 |
| 6" meter | 92.46 | 104.48 |
| 8" meter | 118.78 | 134.22 |

Section 2. The schedule for the Private Fire Sprinkler Line Connection Charge, set forth in Section 3.E. of Exhibit A to Ordinance No. 2017-06, is hereby amended to add the following additional meter sizes and corresponding charges:

E. Private Fire Sprinkler Line Connection Charge

...

| <u>Meter Size</u> | <u>Monthly Charge</u> |
|-------------------|-----------------------|
| ... | |
| 10" meter | \$ 768.51 |
| 12" meter | 1,106.56 |

Section 3. Aside from the schedules as specifically altered in Section 1 and Section 2 of this Ordinance, all other provisions of the Prior Ordinances, including but not limited to Ordinance No. 2017-06 and Exhibit A thereto, shall remain in full force and effect.

Section 4. The provisions, rates, and charges of this Ordinance are severable. In the event any one or more of the provisions contained in this Ordinance should be invalid or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein, and/or the prior ordinances of the Town, shall not in any way be affected or impaired and shall remain in full force and effect. Furthermore, to the extent a rate or charge in this Ordinance is declared invalid, the higher of a valid charge or the original charge or fee previously established by the Town and in effect prior to the adoption of this Ordinance shall be effective and/or retroactive as though unaltered herein.

Section 5. This Ordinance shall be in full force and effect from and after its passage, provided that the amended rates and charges shall go into effect as soon as practical based on the current billing cycle of the waterworks utility.

PASSED AND ADOPTED on the ____ day of _____, 2022, by the Town Council of the Town of Whitestown, Indiana, by a vote of ____ in favor and ____ against.

TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

Clinton Bohm, President

ATTEST:

Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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